

UNOFFICIAL VERSION

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THURSDAY, APRIL 19, 2018

SEVENTY-FOURTH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 8:30 a.m., and was called to order by Mr. Speaker McNally.

PRAYER

The proceedings were opened with prayer by Reverend Howard Jones of Fairfield Missionary Baptist Church in Nashville, Tennessee, a guest of Senator Tate.

PLEDGE OF ALLEGIANCE

Senator Tate led the Senate in the Pledge of Allegiance to the Flag.

SALUTE TO THE FLAG OF TENNESSEE

Senator Tate led the Senate in the Salute to the Flag of Tennessee.

ROLL CALL

The roll call was taken with the following results:

Present 32

Senators present were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbro and Mr. Speaker McNally--32.

COMMUNICATION

April 19, 2018

Lt. Governor Randy McNally
Cordell Hull Building
Suite 700
425 5th Avenue North
Nashville, TN 37243

Dear Speaker McNally:

I am unable to attend today's Senate Session. Please let this letter serve as notice of my absence.

All the best,

/s/ Lee Harris

APPROVED: Lieutenant Governor
Randy McNally

PRESENTATION

Senator Bailey presented **Senate Joint Resolution No. 946** to Colonel Tracy Trott of the Tennessee Highway Patrol.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 1959, 2381, 2718, 2724 and 2725** be passed on first consideration, which motion prevailed.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 1959 -- Criminal Offenses -- As introduced, creates Class B felony of selling, possessing, or manufacturing 15 grams or more of any substance containing fentanyl and Class A felony if the substance contains 150 grams or more of fentanyl. Amends TCA Title 39, Chapter 13; Title 39, Chapter 14; Title 39, Chapter 15; Title 39, Chapter 16; Title 39, Chapter 17; Title 40, Chapter 35; Title 55; Title 63; Title 69, Chapter 9 and Title 70.

House Bill No. 2381 -- Memorials, Recognition -- As introduced, requires the state capitol commission to develop and implement a plan for the commissioning of the Tennessee Monument to Unborn Children; requires that the monument be funded by non-state sources and placed on the capitol grounds upon completion. Amends TCA Title 4.

House Bill No. 2718 -- Taxes, Hotel/Motel -- As introduced, authorizes the City of Crossville to levy a privilege tax upon the privilege of occupancy by a two-thirds vote of its governing body.

House Bill No. 2724 -- Centertown -- Subject to local approval, requires the board of mayor and aldermen to hold regular public meetings as specified by ordinance rather than on the first Monday night of each month. Amends Chapter 606 of the Private Acts of 1951; as amended.

House Bill No. 2725 -- Rutherford County -- Subject to local approval, increases the threshold over which public advertisements and sealed competitive bids or proposals are required to an amount not to exceed \$25,000 for nonemergency and nonproprietary purchases. Amends Chapter 17 of the Private Acts of 2017.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 964 through 966**; and **Senate Resolutions Nos. 215 through 224** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 964 by Senator Dickerson.
Memorials, Death -- Justice Frank F. Drowota III.

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Senate Joint Resolution No. 965 by Senator Pody.

Memorials, Academic Achievement -- Kendal Aleann Johnson, Valedictorian, Clay County High School.

Senate Joint Resolution No. 966 by Senator Pody.

Memorials, Academic Achievement -- Ethan Kyle Fox, Salutatorian, Smith County High School.

Senate Resolution No. 215 by Senator Stevens.

Memorials, Interns -- James Pharris.

Senate Resolution No. 216 by Mr. Speaker McNally.

Memorials, Recognition -- Senate employees of the 110th General Assembly.

Senate Resolution No. 217 by Mr. Speaker McNally.

Memorials, Public Service -- Office of the Chief Clerk of the Senate of the 110th General Assembly.

Senate Resolution No. 218 by Mr. Speaker McNally.

Memorials, Recognition -- Office of Legal Services of the 110th General Assembly.

Senate Resolution No. 219 by Mr. Speaker McNally.

Memorials, Recognition -- Office of Legislative Budget Analysis of the 110th General Assembly.

Senate Resolution No. 220 by Mr. Speaker McNally.

Memorials, Recognition -- Fiscal Review Committee of the 110th General Assembly.

Senate Resolution No. 221 by Mr. Speaker McNally.

Memorials, Public Service -- Office of Legislative Administration of the 110th General Assembly.

Senate Resolution No. 222 by Mr. Speaker McNally.

Memorials, Public Service -- Office of Legislative Information Systems of the 110th General Assembly.

Senate Resolution No. 223 by Mr. Speaker McNally.

Memorials, Public Service -- Office of Facilities Management of the 110th General Assembly.

Senate Resolution No. 224 by Senator Pody.

Memorials, Interns -- Adam Yardumian.

MOTION

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 1254 through 1257**; and **Senate Joint Resolutions Nos. 959 through 963** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

House Joint Resolution No. 1254 -- Memorials, Recognition -- Johnson County Rescue Squad, 50th Anniversary.

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The Speaker announced that he had referred House Joint Resolution No. 1254 to the Committee on Calendar.

House Joint Resolution No. 1255 -- Memorials, Academic Achievement -- Leticia Rosas, Valedictorian, Wooddale High School.

The Speaker announced that he had referred House Joint Resolution No. 1255 to the Committee on Calendar.

House Joint Resolution No. 1256 -- Memorials, Academic Achievement -- Johanna Orozco, Salutatorian, Wooddale High School.

The Speaker announced that he had referred House Joint Resolution No. 1256 to the Committee on Calendar.

House Joint Resolution No. 1257 -- Memorials, Recognition -- Johnson County Rescue Squad, 50th Anniversary.

The Speaker announced that he had referred House Joint Resolution No. 1257 to the Committee on Calendar.

Senate Joint Resolution No. 959 -- Memorials, Recognition -- Promotional Products Work! Week.

The Speaker announced that he had referred Senate Joint Resolution No. 959 to the Committee on Finance, Ways and Means.

Senate Joint Resolution No. 960 -- Memorials, Academic Achievement -- Lauren Clarke, Salutatorian, Monterey High School.

The Speaker announced that he had referred Senate Joint Resolution No. 960 to the Committee on Calendar.

Senate Joint Resolution No. 961 -- Memorials, Academic Achievement -- Mary Walker, Valedictorian, Monterey High School.

The Speaker announced that he had referred Senate Joint Resolution No. 961 to the Committee on Calendar.

Senate Joint Resolution No. 962 -- Memorials, Sports -- White County High School archery team, 2018 State Champion.

The Speaker announced that he had referred Senate Joint Resolution No. 962 to the Committee on Calendar.

Senate Joint Resolution No. 963 -- Memorials, Recognition -- Nashville Shakespeare Festival, 30th Anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 963 to the Committee on Calendar.

MOTION

Senator Roberts moved that Rule 19 and Rule 38 be suspended for the purpose of making and considering Consent Calendar consisting of the following resolutions: **Senate Joint Resolutions Nos. 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956 and 957; Senate Resolutions Nos. 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213 and 214; and House Joint Resolutions Nos. 1080, 1177, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1211, 1212, 1213, 1214, 1215, 1216 and 1217**, which motion prevailed.

CONSENT CALENDAR

Senate Joint Resolution No. 930 -- Memorials, Recognition -- Kameron Richard, Boys and Girls Clubs Youth of the Year.

Senate Joint Resolution No. 931 -- Memorials, Recognition -- Jacob Conner, Boys and Girls Clubs Youth of the Year.

Senate Joint Resolution No. 932 -- Memorials, Academic Achievement -- Synthia Kaye Simpkins, Valedictorian, Waverly Central High School.

Senate Joint Resolution No. 933 -- Memorials, Academic Achievement -- Mary Margaret Nix, Valedictorian, Waverly Central High School.

Senate Joint Resolution No. 934 -- Memorials, Academic Achievement -- Kayln Marie Grice, Valedictorian, Waverly Central High School.

Senate Joint Resolution No. 935 -- Memorials, Academic Achievement -- Katherine Evelyn Wallace, Valedictorian, Waverly Central High School.

Senate Joint Resolution No. 936 -- Memorials, Academic Achievement -- John Charles Tidwell III, Valedictorian, Waverly Central High School.

Senate Joint Resolution No. 937 -- Memorials, Academic Achievement -- Hayden Kirk James Roberts, Valedictorian, Waverly Central High School.

Senate Joint Resolution No. 938 -- Memorials, Academic Achievement -- Ashley Cara Arnold, Valedictorian, Jo Byrns High School.

Senate Joint Resolution No. 939 -- Memorials, Academic Achievement -- Samantha Danielle Morton, Salutatorian, Jo Byrns High School.

Senate Joint Resolution No. 940 -- Memorials, Professional Achievement -- Joe Ozment, President of Tennessee Association of Criminal Defense Lawyers.

Senate Joint Resolution No. 941 -- Memorials, Recognition -- Breez LaLonde, Boys and Girls Clubs Youth of the Year.

Senate Joint Resolution No. 942 -- Memorials, Recognition -- Arrionna Carlton, Boys and Girls Clubs Youth of the Year.

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Senate Joint Resolution No. 943 -- Memorials, Recognition -- Dylan McClanahan, Boys and Girls Clubs Youth of the Year.

Senate Joint Resolution No. 944 -- Memorials, Recognition -- University of Tennessee Plateau AgResearch and Education Center, 75th Anniversary.

Senate Joint Resolution No. 945 -- Memorials, Recognition -- Jaylon Sims, Boys and Girls Clubs Youth of the Year.

Senate Joint Resolution No. 947 -- Memorials, Recognition -- Kevin J. Worthen.

Senate Joint Resolution No. 948 -- Memorials, Recognition -- KeOnna Lawrence, Boys and Girls Clubs Youth of the Year.

Senate Joint Resolution No. 949 -- Memorials, Interns -- James B. Stinnett.

Senate Joint Resolution No. 950 -- Memorials, Interns -- Danielle Rosser.

Senate Joint Resolution No. 951 -- Memorials, Public Service -- Commissioner Robert Martineau.

Senate Joint Resolution No. 952 -- Memorials, Death -- Gilbert DeRieux Pickel.

Senate Joint Resolution No. 953 -- Memorials, Recognition -- South Gate Lodge #569 F&AM Masonic Temple, 125th Anniversary.

Senate Joint Resolution No. 954 -- Memorials, Recognition -- Food City, 100th Anniversary.

Senate Joint Resolution No. 955 -- Memorials, Death -- Wanda Parrett Craven.

Senate Joint Resolution No. 956 -- Memorials, Interns -- Marvin General Williamson II.

Senate Joint Resolution No. 957 -- Memorials, Interns -- Hayes O'Donnell.

Senate Resolution No. 196 -- Memorials, Academic Achievement -- Destiny Celeste Booker, Salutatorian, Hillcrest High School.

Senate Resolution No. 197 -- Memorials, Academic Achievement -- Dariana Aticia Martre, Valedictorian, Middle College High School.

Senate Resolution No. 198 -- Memorials, Academic Achievement -- Audrey Firrone, Salutatorian, Memphis Central High School.

Senate Resolution No. 199 -- Memorials, Academic Achievement -- Beatriz Barrera, Salutatorian, Millington Central High School.

Senate Resolution No. 200 -- Memorials, Academic Achievement -- Jennifer McCullough, Valedictorian, Millington Central High School.

Senate Resolution No. 201 -- Memorials, Academic Achievement -- Jordan Harding, Valedictorian, The Soulsville Charter School.

Senate Resolution No. 202 -- Memorials, Academic Achievement -- Nikymba Warren, Salutatorian, The Soulsville Charter School.

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Senate Resolution No. 203 -- Memorials, Academic Achievement -- Reuben Woodard, Valedictorian, Hamilton High School.

Senate Resolution No. 204 -- Memorials, Academic Achievement -- Kaneisha Hall, Salutatorian, Hamilton High School.

Senate Resolution No. 205 -- Memorials, Academic Achievement -- Staija Huggins, Salutatorian, Westwood High School.

Senate Resolution No. 206 -- Memorials, Academic Achievement -- Jayda Neal, Valedictorian, Westwood High School.

Senate Resolution No. 207 -- Memorials, Academic Achievement -- Amal Altareb, Valedictorian, Memphis Central High School.

Senate Resolution No. 208 -- Memorials, Academic Achievement -- Curtis Braden II, Salutatorian, Middle College High School.

Senate Resolution No. 209 -- Memorials, Academic Achievement -- Le'Ander Ivy, Valedictorian, W.E.B. DuBois High School.

Senate Resolution No. 210 -- Memorials, Academic Achievement -- Andrea Michelle Simpson, Salutatorian, W.E.B. DuBois High School.

Senate Resolution No. 211 -- Memorials, Academic Achievement -- Destiny Meeks, Valedictorian, Mitchell High School.

Senate Resolution No. 212 -- Memorials, Academic Achievement -- Tamia Bailey, Salutatorian, Mitchell High School.

Senate Resolution No. 213 -- Memorials, Academic Achievement -- Eboni Nicole Miller, Valedictorian, Hillcrest High School.

Senate Resolution No. 214 -- Memorials, Death -- Harry Eugene Patton, Sr.

House Joint Resolution No. 1080 -- Memorials, Sports -- Summertown High School Lady Eagles, 2018 TSSAA Class A State Runner-Up.

House Joint Resolution No. 1177 -- Memorials, Death -- Joe Clyde Daniels.

House Joint Resolution No. 1179 -- Memorials, Personal Occasion -- Inda Adams, 90th Birthday.

House Joint Resolution No. 1180 -- Memorials, Sports -- Mt. Juliet High School girls' basketball team, TSSAA District 9-AAA Champions.

House Joint Resolution No. 1181 -- Memorials, Sports -- Mt. Juliet High School boys' basketball team, TSSAA District 9-AAA Champions.

House Joint Resolution No. 1182 -- Memorials, Academic Achievement -- Mt. Juliet High School, National German Exam.

House Joint Resolution No. 1183 -- Memorials, Sports -- Hunter Borders and Michael Kramer, TSSAA State Wrestling Champions.

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House Joint Resolution No. 1184 -- Memorials, Recognition -- Chattanooga Mayor's Council for Women, inaugural Statewide Women's Policy Conference.

House Joint Resolution No. 1185 -- Memorials, Interns -- Carlie Carter.

House Joint Resolution No. 1186 -- Memorials, Recognition -- Kent Ritchey, Ginny Award.

House Joint Resolution No. 1187 -- Memorials, Recognition -- Old Timers Day Festival, 60th Anniversary.

House Joint Resolution No. 1188 -- Memorials, Personal Occasion -- Agnes Ellis, 100th Birthday.

House Joint Resolution No. 1189 -- Memorials, Death -- Rodney L. Bragg.

House Joint Resolution No. 1190 -- Memorials, Recognition -- Bill Geisel.

House Joint Resolution No. 1191 -- Memorials, Sports -- Emma Elizabeth Saltsman.

House Joint Resolution No. 1192 -- Memorials, Public Service -- HOPE for Victims of Knoxville.

House Joint Resolution No. 1193 -- Memorials, Retirement -- Bridget Fendler.

House Joint Resolution No. 1194 -- Memorials, Retirement -- Eugene Francis Nolan.

House Joint Resolution No. 1195 -- Memorials, Sports -- Loretto High School Mustangs, TSSAA Class A State Champions.

House Joint Resolution No. 1196 -- Memorials, Sports -- Loretto High School baseball team, 2017 TSSAA Class A State Champions.

House Joint Resolution No. 1197 -- Memorials, Academic Achievement -- Maggie Catherine Long, Top Ten Senior, Summertown High School.

House Joint Resolution No. 1198 -- Memorials, Academic Achievement -- Hannah Grace Kelly, Top Ten Senior, Summertown High School.

House Joint Resolution No. 1199 -- Memorials, Academic Achievement -- Alex Elayne Isbell, Top Ten Senior, Summertown High School.

House Joint Resolution No. 1200 -- Memorials, Academic Achievement -- Madeline Elizabeth Grimes, Top Ten Senior, Summertown High School.

House Joint Resolution No. 1201 -- Memorials, Academic Achievement -- Lauren Kathleen Graves, Top Ten Senior, Summertown High School.

House Joint Resolution No. 1202 -- Memorials, Academic Achievement -- Josie Meredith Franks, Top Ten Senior, Summertown High School.

House Joint Resolution No. 1203 -- Memorials, Academic Achievement -- Haley Elizabeth Durham, Top Ten Senior, Summertown High School.

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House Joint Resolution No. 1204 -- Memorials, Academic Achievement -- Jase A. Collier, Top Ten Senior, Summertown High School.

House Joint Resolution No. 1205 -- Memorials, Academic Achievement -- Jacob H. Brown, Top Ten Senior, Summertown High School.

House Joint Resolution No. 1206 -- Memorials, Academic Achievement -- Magdelene Alford, Top Ten Senior, Summertown High School.

House Joint Resolution No. 1207 -- Memorials, Recognition -- Boy Scouts of America Troop 94, 70th Anniversary.

House Joint Resolution No. 1208 -- Memorials, Interns -- Brock Woods Rowell.

House Joint Resolution No. 1209 -- Memorials, Personal Occasion -- Sue Ella Caldwell Banks, 100th Birthday.

House Joint Resolution No. 1211 -- Memorials, Death -- Dan Smith.

House Joint Resolution No. 1212 -- Memorials, Interns -- Nicole Lareau.

House Joint Resolution No. 1213 -- Memorials, Academic Achievement -- Natalie Hope Olds, Valedictorian, Providence Academy.

House Joint Resolution No. 1214 -- Memorials, Personal Occasion -- Donald and Wilma Gann, 65th Anniversary.

House Joint Resolution No. 1215 -- Memorials, Recognition -- Dr. Eric Hasemeier.

House Joint Resolution No. 1216 -- Memorials, Public Service -- Jody and Hugh Brashear.

House Joint Resolution No. 1217 -- Memorials, Sports -- Stratford High School boys' basketball team, TSSAA Class AA State Semi-Finalist.

Senator Roberts moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Bailey, Bell, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Swann, Watson, Yager, Yarbrow and Mr. Speaker McNally--29.

A motion to reconsider was tabled.

MOTION

Senator Roberts moved that Rule 19 and Rule 37 be suspended for the purpose of making and considering Calendar No. 1 consisting of the following bills: **Senate Bills Nos. 824, 1583, 1601,**

1651, 1709, 1797, 1817, 1821, 1823, 1835, 1868, 1882, 1919, 1993, 2005, 2006, 2014, 2024, 2026, 2076, 2120, 2132, 2152, 2165 and 2166; House Bill No. 2082; and Senate Bills Nos. 2227, 1728, 444, 1623, 2362987, 2677, 1890, 1894 and 1915, which motion prevailed.

CALENDAR NO. 1

Senate Bill No. 824 -- Education, Higher -- As introduced, beginning in 2018, requires public higher education institutions to report to the secretary of state the percentage of student disciplinary contested cases in which a faculty member or institution employee sat as the administrative judge during the prior calendar year; the data will be reported to several legislative committees. Amends TCA Title 4, Chapter 5; Title 10, Chapter 7; Title 24 and Title 49.

Senator Watson moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting Section 7 and substituting instead the following:

SECTION 7. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following language as a new section:

(a) Public institutions of higher education are authorized to appoint the following persons as administrative judges and hearing officers to conduct contested cases under the Uniform Administrative Procedures Act:

(1) A person who is licensed to practice law and who is not employed as an attorney for the institution;

(2) A former state, county, or municipal judge or a former federal judge or magistrate;

(3) An employee of the institution who has been trained to conduct contested cases, including the training in subsection (c), but who does not provide legal representation to the institution; or

(4) An employee of another public institution of higher education who has been trained to conduct contested cases, including the training in subsection (c).

(b) An administrative judge or hearing officer appointed by a public institution of higher education pursuant to subsection (a) is subject to:

(1) The disqualification provisions of § 4-5-302; and

(2) The conflict of interest provisions of § 4-5-303.

(c) No earlier than twelve (12) months prior to hearing a contested case under the Uniform Administrative Procedures Act that involves sexual assault, dating violence, domestic violence, or stalking, an administrative judge or hearing officer shall complete training that satisfies the requirements of Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. § 1092(f)), and the federal regulations implementing those statutes, as amended.

(d) In lieu of appointing an administrative judge or hearing officer to conduct a contested case pursuant to subsection (a), a public institution of higher education may make a request to the office of the secretary of state to have the contested case heard by an administrative judge or hearing officer employed in the office of the secretary of state pursuant to § 4-5-301(d).

(e) Nothing in this section is intended to prohibit a student charged with a student disciplinary offense, or any other individual who has the right to a contested case hearing, from waiving the right to the hearing of a contested case under the Uniform Administrative Procedures Act; provided, that prior to waiving that right, the individual is informed in writing of the individual's rights under this section.

(f) As used in this section:

(1) "Contested case" has the meaning ascribed to that term by the Uniform Administrative Procedures Act; and

(2) "Uniform Administrative Procedures Act" means the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and rules of procedure for hearing contested cases promulgated in accordance with applicable rulemaking provisions.

AND FURTHER AMEND by deleting Section 13 and substituting instead the following:

SECTION 13. Tennessee Code Annotated, Section 49-8-115, is amended by deleting the section.

AND FURTHER AMEND by deleting Section 14 and substituting instead the following:

SECTION 14. Tennessee Code Annotated, Section 49-9-110, is amended by deleting the section.

AND FURTHER AMEND by deleting Section 16 and substituting instead the following:

SECTION 16. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect on January 1, 2019, the public welfare requiring it, and shall apply to all contested cases that are requested on or after January 1, 2019.

AND FURTHER AMEND by deleting Section 2 and renumbering the subsequent sections accordingly.

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 824**, as amended, passed its third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg,

Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Swann, Watson, Yager, Yarbrow and Mr. Speaker McNally--30.

A motion to reconsider was tabled.

Senate Bill No. 1583 -- Boards and Commissions -- As introduced, creates appointment process for vacant citizen member positions on the Tennessee peace officer standards and training commission. Amends TCA Title 4 and Title 38, Chapter 8, Part 1.

On motion of Senator Bell, Amendment No. 1 was withdrawn.

On motion of Senator Kelsey, Amendment No. 2 was withdrawn.

Thereupon, **Senate Bill No. 1583** passed its third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Swann, Watson, Yager, Yarbrow and Mr. Speaker McNally--30.

A motion to reconsider was tabled.

Senate Bill No. 1601 -- Civil Procedure -- As introduced, creates a civil cause of action against a person who brings a civil action in whole or in part to harass or maliciously injure another; creates an Abusive Civil Action Offender registry and prohibits persons on the registry from commencing or continuing a civil action without permission of the court. Amends TCA Title 29.

On motion, Senate Bill No. 1601 was made to conform with **House Bill No. 1793**.

On motion, House Bill No. 1793, on same subject, was substituted for Senate Bill No. 1601.

On motion of Senator Kelsey, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 1793** passed its third and final consideration by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Pody, Reeves, Roberts, Southerland, Swann, Watson, Yager, Yarbrow and Mr. Speaker McNally--29.

A motion to reconsider was tabled.

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Mr. Speaker McNally moved that **Senate Bill No. 1651** be moved ten places down on the Calendar for today, which motion prevailed.

Senate Bill No. 1709 -- Agriculture -- As introduced, authorizes the creation of a corn promotion board and an assessment of one cent per bushel sold if a majority of corn producers voting in a referendum on the question vote in favor of such measures. Amends TCA Title 43.

On motion, Senate Bill No. 1709 was made to conform with **House Bill No. 1601**.

On motion, House Bill No. 1601, on same subject, was substituted for Senate Bill No. 1709.

On motion of Senator Bell, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 1601** passed its third and final consideration by the following vote:

Ayes	28
Noes	0

Senators voting aye were: Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Norris, Pody, Reeves, Roberts, Swann, Tate, Watson, Yager, Yarbrow and Mr. Speaker McNally--28.

A motion to reconsider was tabled.

Senate Bill No. 1797 -- Public Employees -- As introduced, enacts the "Tennessee Public Safety Behavioral Health Act." Amends TCA Title 4; Title 5; Title 6; Title 7; Title 8; Title 50; Title 58; Title 63 and Title 68.

Senator Crowe moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting in subdivision (b)(1)(A)(i) of the amendatory language of Section 1 the language "or" at the end of subdivision (b)(1)(A)(i)(c) and adding the following language immediately after the end of subdivision (b)(1)(i)(d):

or

(e) A licensed occupational therapist under title 63, chapter 13, part 2;

AND FURTHER AMEND by deleting in subdivision (b)(1)(A)(ii) of the amendatory language of Section 1 the language "or" at the end of subdivision (b)(1)(A)(ii)(b) and adding the following language immediately after the end of subdivision (b)(1)(A)(ii)(c):

or

(d) The board of occupational therapy;

On motion, Amendment No. 1 was adopted.

Senator Watson moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting subdivision (c)(1) from the amendatory language of Section 1 and substituting instead the following:

(1) Provide not less than ten (10) visits or sessions with a mental health service provider for the purpose of treating PTSD through the employee's health benefits or otherwise. Public safety employers may require a co-pay or co-insurance for these visits that is no more than co-pays or co-insurance for other health benefits offered by the employer;

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 1797**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbrow and Mr. Speaker McNally--32.

A motion to reconsider was tabled.

Senator Ketron moved that **Senate Bill No. 1817** be rereferred to the Committee on Calendar, which motion prevailed.

Senator Norris moved that **Senate Bill No. 1821** be placed on the last Calendar, which motion prevailed.

Senate Bill No. 1823 -- TennCare -- As introduced, extends the termination date of the ground ambulance service provider assessment from June 30, 2018, to June 30, 2019. Amends TCA Title 5; Title 7; Title 56; Title 68 and Title 71.

On motion, Senate Bill No. 1823 was made to conform with **House Bill No. 1837**.

On motion, House Bill No. 1837, on same subject, was substituted for Senate Bill No. 1823.

On motion of Senator Johnson, Amendment No. 1 was withdrawn.

On motion of Senator Watson, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 1837** passed its third and final consideration by the following vote:

Ayes 30
Noes 0

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Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Pody, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbrow and Mr. Speaker McNally--30.

A motion to reconsider was tabled.

Senate Bill No. 1835 -- Education -- As introduced, requires that each year at least 30 percent, instead of 70 percent, of the items on state assessments in grades 3-8 and end of course examinations in high school be fresh, nonredundant items that did not appear on the tests in the previous two years, instead of the previous four years for grades 3-8 and the previous three years for high school tests. Amends TCA Section 49-1-610.

On motion, Senate Bill No. 1835 was made to conform with **House Bill No. 2247**.

On motion, House Bill No. 2247, on same subject, was substituted for Senate Bill No. 1835.

House Bill No. 2247 passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Green, Gresham, Haile, Harper, Hensley, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbrow and Mr. Speaker McNally--31.

A motion to reconsider was tabled.

Senate Bill No. 1868 -- Capitol -- As introduced, administratively attaches the David Crockett commission to the department of finance and administration; creates a separate account within the treasury to be used to erect a monument; authorizes state funds to be used to erect a monument. Amends TCA Title 4, Chapter 8, Part 4.

On motion, Senate Bill No. 1868 was made to conform with **House Bill No. 1905**.

On motion, House Bill No. 1905, on same subject, was substituted for Senate Bill No. 1868.

On motion of Senator Watson, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 1905** passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Hensley, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbrow and Mr. Speaker McNally--30.

A motion to reconsider was tabled.

Senate Bill No. 1882 -- Highway Signs -- As introduced, directs the department of transportation to erect signs acknowledging each branch of the military within the segment designated as the "Veterans Memorial Mile" in Knox County; authorizes representatives from each branch to plant flowers or other installations within the median of the segment for beautification or decorative purposes; authorizes such representatives to maintain such installations. Amends TCA Title 54; Title 55; Chapter 85 of the Public Acts of 2011 and Chapter 641 of the Public Acts of 2012.

Senator Bailey moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Notwithstanding any other provision of law to the contrary, the department of transportation is directed to erect suitable signs or affix suitable markers acknowledging each branch of the United States armed forces on the segment of State Route 62 in Knox County from the Solway Bridge eastward to such route's intersection with State Route 162 (Pellissippi Parkway), which is currently designated pursuant to Chapter 641 of the Public Acts of 2012 as the "Veterans Memorial Mile". One (1) sign or marker shall include the language "In Honor of United States Army Veterans"; one (1) sign or marker shall include the language "In Honor of United States Marine Corps Veterans"; one (1) sign or marker shall include the language "In Honor of United States Navy Veterans"; one (1) sign or marker shall include the language "In Honor of United States Air Force Veterans"; and one (1) sign or marker shall include the language "In Honor of United States Coast Guard Veterans". Representatives from each branch of the United States military may work with the department of transportation to donate money, trees, shrubs, flowers, or other installations for beautification or decorative purposes along the corridor. No such tree, shrub, flower, or other installation shall obstruct the vision of persons traveling upon or across the segment or median described in this section.

SECTION 2. The erection of such signs or markers shall be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices and within the state supplemental guidelines, as applicable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1882**, as amended, passed its third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbrow and Mr. Speaker McNally--30.

A motion to reconsider was tabled.

Senate Bill No. 1919 -- State Employees -- As introduced, increases the cash award for the employee suggestion award program from a one-time award of 10 percent of the first year's estimated savings to 15 percent of the annual savings received in a fiscal year for a maximum period of three years. Amends TCA Title 4, Chapter 27.

On motion, Senate Bill No. 1919 was made to conform with **House Bill No. 1788**.

On motion, House Bill No. 1788, on same subject, was substituted for Senate Bill No. 1919.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-27-105, is amended by deleting the section and substituting instead the following:

(a) The cash award shall be:

(1) Equal to fifteen percent (15%) of the annual savings realized in a fiscal year or twenty-five thousand dollars (\$25,000), whichever is less;

(2) Paid within ninety (90) days of the end of each fiscal year in which the savings have been realized; and

(3) Limited to the first fiscal year following the fiscal year in which the suggestion was made.

(b)(1) The board shall promulgate rules to develop criteria for making awards pursuant to this section, including, but not limited to, the development and implementation of an electronic mail notification to transmit to all state government employees information on the employee suggestion award program. The electronic mail notification shall be made annually by the board and shall include, but not be limited to, the provisions of this section.

(2) In promulgating rules, the board shall consider the following factors:

(A) Severity of the present problem;

(B) Effectiveness of the suggestion offered;

(C) The need to encourage improvement in state operations;

and

(D) Ingenuity of the suggestion.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 1788**, as amended, passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbro and Mr. Speaker McNally--31.

A motion to reconsider was tabled.

Senate Bill No. 1993 -- Criminal Offenses -- As introduced, adds assessing the presence of other obstructions for the purpose of maintaining clearances of utility easements as a lawful capture of an image using an unmanned aircraft. Amends TCA Title 39 and Title 40.

Senator Kelsey moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-609, is amended by deleting the section in its entirety and substituting instead the following:

(a) This section shall be known and may be cited as the "Freedom from Unwarranted Surveillance Act".

(b) As used in this section:

(1) "Drone" means a powered, aerial vehicle that:

(A) Does not carry a human operator and is operated without the possibility of direct human intervention from within or on the aircraft;

(B) Uses aerodynamic forces to provide vehicle lift;

(C) Can fly autonomously or be piloted remotely; and

(D) Can be expendable or recoverable; and

(2) "Law enforcement agency" means a lawfully established state or local public agency that is responsible for the prevention and detection of crime, local government code enforcement, and the enforcement of penal, traffic, regulatory, game, or controlled substance laws.

(c) The use of a drone, or other substantially similar device, by a law enforcement agency to search for and collect evidence or obtain information or other data shall constitute a search unless authorized by and used in compliance with this subsection (c) or subsection (d). A drone may be used for such purposes:

(1) If used in compliance and consistent with applicable federal aviation administration rules, exemptions, or other authorizations; and

(2)(A) If the agency first obtains a search warrant signed by a judge authorizing the use of a drone; or

(B) If a judicially recognized exception to the warrant requirement exists at the time of use.

(d) A drone, or other substantially similar device, may be used for the purposes described in subsection (c) without a search warrant or recognized warrant exception if used:

(1) In compliance and consistent with applicable federal aviation administration rules, exemptions, or other authorizations; and

(2)(A) To counter a high risk of a terrorist attack by a specific individual or organization if the United States secretary of homeland security determines that credible intelligence indicates that there is such a risk;

(B) To prevent imminent danger to life where there is reasonable suspicion that, under particular circumstances, immediate action is needed;

(C) To provide continuous aerial coverage when law enforcement is searching for a fugitive or escapee or is monitoring a hostage situation;

(D) To provide more expansive aerial coverage when deployed for the purpose of searching for a missing person;

(E) To investigate motor vehicle accidents that occur within the traffic right-of-way or an area open to the public;

(F) Where a criminal offense has occurred on publicly owned property, as defined in § 6-54-127(b), or where the law enforcement agency has reasonable suspicion that a criminal offense has occurred on such property; or

(G) At the scene of a fire investigation.

(e)(1) Any law enforcement agency that uses a drone, or other substantially similar device, to collect evidence or obtain information or other data shall comply in all respects with the fourth amendment to the Constitution of the United States and Article I, § 7 of the Constitution of Tennessee.

(2) Any evidence, information, or other data collected or obtained by use of a drone shall:

(A) Be deleted within three (3) business days of collection unless it is directly relevant to both the lawful reason the drone was being used and to an ongoing investigation or criminal prosecution. If the evidence, information, or other data collected or obtained is directly relevant to both, it shall be retained and deleted by the collecting law enforcement agency in accordance with the same criteria, policies, and procedures used by the agency for evidence collected by methods other than a drone;

(B) Not be admissible as evidence in a criminal prosecution in any court of law in this state if it was collected or obtained in violation of subsection (c) or (d); and

(C) Not be used as probable cause to obtain a search or arrest warrant or reasonable suspicion to detain a person or vehicle if evidence, information, or other data was collected or obtained that was, at the time of collection, unrelated to and discovered only because of the lawful reason the drone was being used.

(f) Any person aggrieved by the use of a drone in violation of this section may initiate a civil action against a law enforcement agency to obtain all appropriate relief, including injunctive relief, destruction of the evidence, information or other data obtained, damages, and reasonable attorney fees.

SECTION 2. This act shall take effect on July 1, 2018, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1993**, as amended, passed its third and final consideration by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Hensley, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yarbrow and Mr. Speaker McNally--29.

A motion to reconsider was tabled.

Senate Bill No. 2005 -- Drug and Alcohol Rehabilitation -- As introduced, creates criminal offenses relating to the marketing of alcohol and drug treatment services. Amends TCA Title 4; Title 33; Title 39; Title 63 and Title 68.

On motion, Senate Bill No. 2005 was made to conform with **House Bill No. 2068**.

On motion, House Bill No. 2068, on same subject, was substituted for Senate Bill No. 2005.

Senator Kelsey moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 33, Chapter 2, Part 4, is amended by adding the following as a new section:

(a) The general assembly recognizes that consumers of substance abuse treatment have disabling conditions and that consumers and their families are vulnerable and at risk of being easily victimized by fraudulent marketing practices that adversely impact the delivery of health care. To protect the health, safety, and welfare of this vulnerable population, a service provider of alcohol and drug services or an operator of an alcohol and drug treatment facility (ADTF) shall not engage in any of the following marketing practices:

(1) Making a materially false or misleading statement or providing materially false or misleading information about the provider's or operator's identity, products, goods, services, or geographical locations in its marketing, advertising materials, or media or on its website;

(2) Including on its website false information or electronic links, coding, or activation that provides false information or that surreptitiously directs the reader to another website;

(3) Soliciting, receiving, or making an attempt to solicit or receive a commission, benefit, rebate, kickback, or bribe, directly or indirectly, in cash or in kind, or engaging or making an attempt to engage in a split-fee arrangement in return for a referral or an acceptance or acknowledgement of treatment from a service provider of alcohol and drug services or ADTF; or

(4) Entering into a contract with a marketing provider who agrees to generate referrals or leads for the placement of patients with a service provider of alcohol and drug services or in an ADTF through a call center or a web-based presence. This subdivision (a)(4) shall not apply if the service provider of alcohol and drug services or the operator of the ADTF discloses to the prospective patient, so that the patient can make an informed healthcare decision, in clear and concise language and instructions that allow the prospective patient to easily determine whether the marketing provider represents specific service providers or recovery residences that pay a fee to the marketing provider, and the identity of such service providers of alcohol and drug services or ADTF.

(b) In addition to any other punishment authorized by law, a person or entity that knowingly violates this section is subject to suspension or revocation of the person's or entity's license pursuant to § 33-2-407 and the imposition of civil penalties under § 33-2-409.

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) A healthcare provider licensed under title 63, with respect to alcohol and drug services, as defined in § 33-2-402, shall not knowingly:

(1) Offer or pay a commission, benefit, rebate, kickback, or bribe, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, to induce the referral of a patient or patronage to or from a licensee or facility licensed under title 33, chapter 2, part 4;

(2) Solicit or receive a commission, benefit, rebate, kickback, or bribe, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, in return for referring a patient or patronage to or from a licensee or facility licensed under title 33, chapter 2, part 4;

(3) Solicit or receive a commission, benefit, rebate, kickback, or bribe, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, in return for the acceptance or acknowledgment of treatment from a licensee or facility licensed under title 33, chapter 2, part 4; or

(4) Aid, abet, advise, or otherwise participate in the conduct prohibited under subdivision (a)(1), (a)(2), or (a)(3).

(b) Any healthcare provider licensed under title 63, with respect to alcohol and drug services, that violates this section is subject to suspension or revocation of the healthcare provider's license by the appropriate healthcare licensing board and the imposition of civil penalties as authorized under this title.

SECTION 3. Tennessee Code Annotated, Title 68, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) A healthcare facility or provider licensed under title 68, with respect to alcohol and drug services, as defined in § 33-2-402, shall not knowingly:

(1) Offer or pay a commission, benefit, rebate, kickback, or bribe, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, to induce the referral of a patient or patronage to or from a licensee or facility licensed under title 33, chapter 2, part 4;

(2) Solicit or receive a commission, benefit, rebate, kickback, or bribe, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, in return for referring a patient or patronage to or from a licensee or facility licensed under title 33, chapter 2, part 4;

(3) Solicit or receive a commission, benefit, rebate, kickback, or bribe, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, in return for the acceptance or acknowledgment of treatment from a licensee or facility licensed under title 33, chapter 2, part 4; or

(4) Aid, abet, advise, or otherwise participate in the conduct prohibited under subdivision (a)(1), (a)(2), or (a)(3).

(b) Any healthcare facility or provider licensed under title 68, with respect to alcohol and drug services, that violates this section is subject to suspension or revocation of the healthcare facility's or provider's license by the appropriate licensing board and the imposition of civil penalties as authorized under this title.

SECTION 4. This act shall take effect July 1, 2018, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 2068**, as amended, passed its third and final consideration by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbrow and Mr. Speaker McNally--29.

A motion to reconsider was tabled.

Senate Bill No. 1651 -- Child Custody and Support -- As introduced, specifies that if one parent desires to relocate with a child more than 50 miles and the other parent objects, the sole issue for the court to determine is if relocation is in the best interests of the child using the child custody factors and the relocating parent has the burden of showing it is in the best interest by clear and convincing evidence. Amends TCA Title 36, Chapter 6, Part 1.

On motion, Senate Bill No. 1651 was made to conform with **House Bill No. 1666**.

On motion, House Bill No. 1666, on same subject, was substituted for Senate Bill No. 1651.

Senator Kelsey moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-6-108(a)(4), is amended by deleting the subdivision and substituting instead the following:

(4) Statement that absent agreement between the parents or an objection by the non-relocating parent within thirty (30) days of the date notice is sent by registered or certified mail in accordance with subsection (a), the relocating parent will be permitted to do so by law.

SECTION 2. Tennessee Code Annotated, Section 36-6-108, is amended by deleting subsections (b)-(j) in their entireties and substituting instead the following:

(b) Absent agreement by the parents on a new visitation schedule within thirty (30) days of the notice or upon a timely objection in response to the notice, the relocating parent shall file a petition seeking approval of the relocation. The non-relocating parent has thirty (30) days to file a response in opposition to the petition. In the event no response in opposition is filed within thirty (30) days, the parent proposing to relocate with the child shall be permitted to do so.

(c)(1) If a petition in opposition to relocation is filed, the court shall determine whether relocation is in the best interest of the minor child.

(2) In determining whether relocation is in the best interest of the minor child, the court shall consider the following factors:

(A) The nature, quality, extent of involvement, and duration of the child's relationship with the parent proposing to relocate and with the non-relocating parent, siblings, and other significant persons in the child's life;

(B) The age, developmental stage, needs of the child, and the likely impact the relocation will have on the child's physical, educational, and emotional development, taking into consideration any special needs of the child;

(C) The feasibility of preserving the relationship between the non-relocating parent and the child through suitable visitation arrangements, considering the logistics and financial circumstances of the parties;

(D) The child's preference, if the child is twelve (12) years of age or older. The court may hear the preference of a younger child upon request. The preference of older children should normally be given greater weight than those of younger children;

(E) Whether there is an established pattern of conduct of the relocating parent, either to promote or thwart the relationship of the child and the non-relocating parent;

(F) Whether the relocation of the child will enhance the general quality of life for both the relocating parent and the child, including, but not limited to, financial or emotional benefit or educational opportunity;

(G) The reasons of each parent for seeking or opposing the relocation; and

(H) Any other factor affecting the best interest of the child, including those enumerated in § 36-6-106(a).

(3) If, upon consideration of factors in subdivision (c)(2), the court finds that relocation is in the best interest of the minor child, the court shall modify the permanent parenting plan as needed to account for the distance between the non-relocating parent and the relocating parent.

(4) If the court finds that relocation is not in the best interest of the minor child, the court shall deny the petition for approval and, utilizing the factors provided in § 36-6-106(a), enter a modified permanent parenting plan that shall become effective only if the parent proposing to relocate elects to do so despite the court's decision denying the parent's petition for approval.

(d) In fashioning a modified parenting plan under subdivisions (c)(3) and (4), the court shall consider and utilize available alternative arrangements to foster and continue the child's relationship with and access to the other parent. The court shall also assess the costs of transporting the child for visitation, and determine whether a deviation from the child support guidelines should be considered in light of all factors, including, but not limited to, additional costs incurred for transporting the child for visitation.

(e) Nothing in this section shall prohibit either parent from petitioning the court at any time to address issues other than a change of custody related to the move, including, but not limited to, visitation.

(f) Either parent in a parental relocation matter may recover reasonable attorney fees and other litigation expenses from the other parent in the discretion of the court.

(g) The procedure and best interest standard of this section shall also apply to a parent who is subject to an injunction pursuant to § 36-6-116(a)(4) or § 36-4-106(d)(5).

SECTION 3. This act shall take effect July 1, 2018, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 1666**, as amended, passed its third and final consideration by the following vote:

Ayes	28
Noes	0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbrow and Mr. Speaker McNally--28.

A motion to reconsider was tabled.

Senate Bill No. 2006 -- Bail, Bail Bonds -- As introduced, prohibits bounty hunters from using any variation of the words "agent" or "officer" on any uniform, badge, shield, card, or other item the bounty hunter wears, carries, or displays. Amends TCA Title 39 and Title 40, Chapter 11.

On motion, Senate Bill No. 2006 was made to conform with **House Bill No. 2039**.

On motion, House Bill No. 2039, on same subject, was substituted for Senate Bill No. 2006.

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On motion of Senator Kelsey, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2039** passed its third and final consideration by the following vote:

Ayes 25
Noes 1

Senators voting aye were: Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Southerland, Swann, Tate, Yager, Yarbrow and Mr. Speaker McNally--25.

Senator voting no was: Bell--1.

A motion to reconsider was tabled.

Senate Bill No. 2014 -- Education, State Board of -- As introduced, requires applicants for educator licensure to submit to a criminal records background check; changes criminal records background check procedures for LEA employees. Amends TCA Title 49, Chapter 1; Title 49, Chapter 2 and Title 49, Chapter 5.

Senator Watson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-5-413(a), is amended by deleting the subsection and substituting instead the following:

Except as provided by subsection (f), and in addition to the requirements of § 49-5-406, a local board of education, charter school, or any child care program as defined in § 49-1-1102, shall require that prior to employment, and at least every five (5) years thereafter, any person applying for or holding a position as a teacher or any other position requiring proximity to school children or to children in a child care program to:

(1) Agree to the release of all investigative records to the board or child care program for examination for the purpose of verifying the accuracy of criminal violation information as required by § 49-5-406(a)(1)(A); and

(2) Supply a fingerprint sample and submit to a criminal history records check to be conducted by the Tennessee bureau of investigation and the federal bureau of investigation.

SECTION 2. Tennessee Code Annotated, Section 49-5-413, is amended by adding the following language as new subsections:

(f) Upon Tennessee's acceptance into the federal bureau of investigation rap back program, local boards of education, charter schools, and any child care programs, as defined in § 49-1-1102, shall conduct state and national criminal history

record checks on the personnel identified in subsection (a) and shall participate in the rap back program to determine suitability or fitness for employment. Local boards of education, charter schools, and child care programs shall notify applicants and employees who are subject to a criminal history record check pursuant to this section that the Tennessee bureau of investigation may charge a reasonable fee for the criminal history record checks performed and that applicant and employee fingerprints will be retained by the Tennessee bureau of investigation and the federal bureau of investigation for all purposes and uses authorized for fingerprint submissions. The criminal history record check shall include the submission of fingerprints to:

(1) The federal bureau of investigation for a national criminal history record check; and

(2) The Tennessee bureau of investigation for a state criminal history record check that shall include nonconviction data.

(g) Each local board of education and each governing body of a charter school shall adopt a policy governing background check procedures for contract workers and volunteers. Upon Tennessee's acceptance into the federal bureau of investigation rap back program, local boards of education, charter schools, and any child care program, as defined in § 49-1-1102, may require state and national criminal history record checks to be conducted on contract workers and school volunteers, and may participate in the rap back program, for the purpose of determining suitability or fitness for contract workers and volunteers to work with children or to be on school grounds when children are present.

SECTION 3. This act shall take effect July 1, 2018, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2014**, as amended, passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Swann, Tate, Watson, Yager, Yarbrow and Mr. Speaker McNally--30.

A motion to reconsider was tabled.

Senate Bill No. 2024 -- Industrial Development -- As introduced, extends allocation of certain funds to Four Lake regional industrial development authority from fiscal year 2017-2018 to 2023-2024. Amends TCA Section 67-9-102.

On motion, Senate Bill No. 2024 was made to conform with **House Bill No. 2161**.

On motion, House Bill No. 2161, on same subject, was substituted for Senate Bill No. 2024.

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On motion of Senator Watson, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2161** passed its third and final consideration by the following vote:

Ayes 28
Noes 0

Senators voting aye were: Bailey, Bell, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Norris, Pody, Reeves, Roberts, Stevens, Swann, Tate, Watson, Yager, Yarbro and Mr. Speaker McNally--28.

A motion to reconsider was tabled.

Senate Bill No. 2026 -- TennCare -- As introduced, enacts the "Annual Coverage Assessment of 2018." Amends TCA Title 71, Chapter 5 and Chapter 364 of the Private Acts of 2017.

On motion, Senate Bill No. 2026 was made to conform with **House Bill No. 2084**.

On motion, House Bill No. 2084, on same subject, was substituted for Senate Bill No. 2026.

On motion of Senator Crowe, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2084** passed its third and final consideration by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbro and Mr. Speaker McNally--31.

A motion to reconsider was tabled.

Senate Bill No. 2076 -- Taxes, Ad Valorem -- As introduced, exempts from property taxation barrels manufactured from timber that are used to age or store intoxicating liquor. Amends TCA Title 67.

Senator Yarbro declared Rule 13 on **Senate Bill No. 2076**.

Senator Yager moved that Amendment No. 1 be placed behind Amendment No. 2, which motion prevailed.

Senator Watson moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting all language after the caption and substituting instead the following:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 67-5-216, is amended by adding the following as a new subsection (c):

(c)(1) "Articles manufactured from the produce of this state, or any other state of the union, in the hands of the manufacturer" include and have always included aged whiskey barrels during the time in which such barrels are owned or leased by a person that produces or manufactures whiskey in those barrels.

(2) For purposes of this subsection (c), an "aged whiskey barrel" is defined as a barrel that:

(A) Is comprised of the timber of this state, or any other state of the union;

(B) Contains, or has contained, whiskey; and

(C) Has changed, or will change, in form or appearance as a result of the unique process of aging whiskey.

(3) For purposes of this subsection (c), "whiskey" has the same meaning as the term "whisky" as defined in 27 CFR 5.22(b) and includes all products identified as "whisky" in 27 CFR 5.22(b).

SECTION 2. Any action or proceeding to correct an assessment or request a refund or other relief on the basis of this act shall be subject to the applicable statutes of limitations, which are in no way altered or amended by this act.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply retroactively to all periods prior to such date.

On motion, Amendment No. 2 was adopted.

On motion of Senator Yager, Amendment No. 1 was withdrawn.

Thereupon, **Senate Bill No. 2076**, as amended, passed its third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Bailey, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbrow and Mr. Speaker McNally--30.

A motion to reconsider was tabled.

Senate Bill No. 2120 -- Child Custody and Support -- As introduced, allows a prevailing party to recover reasonable attorney's fees in a criminal or civil contempt action to enforce a decree of alimony, child support, or custody. Amends TCA Title 36, Chapter 5.

On motion, Senate Bill No. 2120 was made to conform with **House Bill No. 2526**.

On motion, House Bill No. 2526, on same subject, was substituted for Senate Bill No. 2120.

On motion of Senator Kelsey, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2526** passed its third and final consideration by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yarbrow and Mr. Speaker McNally--29.

A motion to reconsider was tabled.

Senate Bill No. 2132 -- Tort Liability and Reform -- As introduced, declares settlement agreement provisions that have purpose or effect of concealing details relating to claim of sexual harassment or sexual assault as void and unenforceable and contrary to public policy of this state if settlement agreement is entered into by governmental entity; maintains confidentiality of victim's identity. Amends TCA Title 4; Title 5; Title 6; Title 7; Title 9, Chapter 8, Part 3; Title 10; Title 20 and Title 29.

On motion, Senate Bill No. 2132 was made to conform with **House Bill No. 2301**.

On motion, House Bill No. 2301, on same subject, was substituted for Senate Bill No. 2132.

On motion of Senator Yarbrow, Amendment No. 1 was withdrawn.

Senator Yarbrow moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 34, Part 1, is amended by adding the following as a new section:

(a) Notwithstanding any law to the contrary, any provision of a settlement agreement entered into by a governmental entity that has the purpose or effect of concealing the details relating to a claim of sexual harassment or sexual assault is void and unenforceable as contrary to the public policy of this state; except that

identifying information concerning a person who is a victim of sexual harassment or sexual assault shall be deemed confidential until such person authorizes the disclosure of the information.

(b) For purposes of this section, "governmental entity" means any lawfully established department, agency, or entity of this state or of any political subdivision of this state.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 2301**, as amended, passed its third and final consideration by the following vote:

Ayes	28
Noes	0

Senators voting aye were: Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson and Yarbro--28.

A motion to reconsider was tabled.

Senate Bill No. 2152 -- Public Records -- As introduced, expands the list of persons to be provided an annual report from the advisory committee on open government and office of open records counsel. Amends TCA Title 8, Chapter 4, Part 6.

On motion, Senate Bill No. 2152 was made to conform with **House Bill No. 2287**.

On motion, House Bill No. 2287, on same subject, was substituted for Senate Bill No. 2152.

On motion of Senator Briggs, Amendment No. 1 was withdrawn.

On motion of Senator Bell, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 2287** passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yarbro and Mr. Speaker McNally--30.

A motion to reconsider was tabled.

Senate Bill No. 2165 -- Insurance Companies, Agents, Brokers, Policies -- As introduced, authorizes the commissioner of commerce and insurance to make available to healthcare providers on the department's website any prescribed claim form for reporting by healthcare providers. Amends TCA Title 8; Title 56; Title 68 and Title 71.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 56-7-2360, is amended by deleting the section and substituting the following:

(a)(1) As used in this section, unless the context otherwise requires:

(A) "Aggregate lifetime limit" means a dollar limitation on the total amount that may be paid for benefits under a health plan with respect to an individual or other coverage unit;

(B) "Annual limit" means a dollar limitation on the total amount that may be paid for benefits in a twelve-month period under a health plan with respect to an individual or other coverage unit;

(C) "Classification of benefits" means inpatient in-network benefits, inpatient out-of-network benefits, outpatient in-network benefits, outpatient out-of-network benefits, prescription drug benefits, and emergency care benefits. These classifications of benefits are the only classifications that may be used except that there may be sub-classifications within both outpatient classifications differentiating office visits from other outpatient items and services, including outpatient surgery, facility charges for day treatment centers, laboratory charges, and other medical items;

(D) "Financial requirement" includes deductibles, copayments, coinsurance, and out-of-pocket expenses, but excludes an aggregate lifetime limit and an annual limit;

(E) "Health benefit plan" means any hospital or medical expense policy, health, hospital or medical service corporation contract, a policy or agreement entered into by a health insurer or a health maintenance organization contract offered by an employer, other plans administered by the state government, or any certificate issued under the policies, contracts, or plans;

(F) "Health insurance carrier" means any entity subject to the insurance laws and regulations of this state, or subject to the jurisdiction of the commissioner of commerce and insurance, that contracts with healthcare providers in connection with a plan of health insurance, health benefits, or health services;

(G) "Mental health or alcoholism or drug dependency benefits" means benefits for the treatment of any condition or disorder that involves a mental health condition or substance use disorder that falls under any of the diagnostic categories listed in the mental disorders section of the current edition of the International Classification of Disease or that is listed in the most recent version of the Diagnostic and Statistical Manual of Mental Disorders;

(H) "Non-quantitative treatment limitations," or "NQTLs," are limitations that are not expressed numerically, but otherwise limit the scope or duration of benefits for treatment. NQTLs include, but are not limited to:

(i) Medical management standards limiting or excluding benefits based on medical necessity or medical appropriateness, or based on whether the treatment is experimental or investigative;

(ii) Formulary design for prescription drugs;

(iii) Tier design for plans with multiple network tiers, including preferred providers and participating providers, and network tier design;

(iv) Standards for provider admission to participate in a network, including reimbursement rates;

(v) Plan methods for determining usual, customary, and reasonable charges;

(vi) Refusal to pay for higher-cost therapies until it can be shown that a lower-cost therapy is not effective, that are also known as fail-first policies or step therapy protocols;

(vii) Exclusions based on failure to complete a course of treatment;

(viii) Restrictions based on geographic location, facility type, provider specialty, and other criteria that limit the scope or duration of benefits for services provided under the plan or coverage;

(ix) In- and out-of-network geographic limitations;

(x) Standards for providing access to out-of-network providers;

(xi) Limitations on inpatient services for situations where the participant is a threat to self or others;

(xii) Exclusions for court-ordered and involuntary holds;

(xiii) Experimental treatment limitations;

(xiv) Service coding;

(xv) Exclusions for services provided by clinical social workers;

(xvi) Network adequacy; and

(xvii) Provider reimbursement rates, including rates of reimbursement for mental health and substance abuse services in primary care;

(I) "Predominant" means application to more than one-half (1/2) of such type of limit or requirement;

(J) "Substantially all" means application to at least two-thirds (2/3) of all medical or surgical benefits in a classification; and

(K) "Treatment limitation" includes limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.

(2) In addition to any other requirement of law concerning coverage of mental health or mental illness benefits or alcoholism or drug dependency benefits, including, but not limited to, §§ 56-7-2601 and 56-7-2602, any individual or group health benefit plan issued by a health insurance carrier regulated pursuant to this title shall provide coverage for mental health or alcoholism or drug dependency services in compliance with the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) (Pub. L. No. 110-343) found at 42 U.S.C. § 300gg-26 and its implementing regulations found at 45 CFR § 146.136 and 45 CFR § 147.160.

(b) Nothing in subsection (a) prohibits an employee health benefit plan, or a plan issuer offering an individual or group health plan from utilizing managed care practices for the delivery of benefits required under this section, as long as that for any utilization review or benefit determination for the treatment of alcoholism or drug dependence the clinical review criteria is the most recent Treatment Criteria for Addictive, Substance-Related, and Co-Occurring Conditions established by the American Society of Addiction Medicine or other evidence-based clinical guidelines, such as those referenced by the federal substance abuse and mental health services administration (SAMHSA). No additional criteria other than in this subsection (b) may be used during utilization review or benefit determination for treatment of substance use disorders.

(c) The mandate to provide coverage for mental health services does not apply with respect to a group health plan if the application of the mandate to the plan results in an increase in the cost under the plan of more than one percent (1%). Documentation of the increase in cost must be filed with the department after twelve (12) months of experience. If the commissioner determines that the increase in cost is

a result of the requirements of this section, the commissioner or the commissioner's designee shall issue a letter to the issuer of the plan stating that the plan does not have to comply with the mandate set out in this section. The issuer may appeal the letter as final agency action pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(d) The department of commerce and insurance shall implement and enforce applicable provisions of the federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) (Pub. L. No. 110-343), this section, and §§ 56-7-2601 and 56-7-2602, which include:

- (1) Ensuring compliance by individual and group health benefit plans;
- (2) Detecting possible violations of the law by individual and group health benefit plans;
- (3) Accepting, evaluating, and responding to complaints regarding such violations; and
- (4) Maintaining and regularly reviewing for possible parity violations a publicly available consumer complaint log regarding mental health or alcoholism or drug dependency coverage; provided, that individually identifiable information shall be excluded.

(e) Not later than January 31, 2020, the department shall issue a report to the general assembly and provide an educational presentation to the general assembly. The report and presentation shall:

- (1) Discuss the methodology the department is using to check for compliance with the MHPAEA, and any federal regulations or guidance relating to the compliance and oversight of the MHPAEA, including 45 CFR 146.136;
- (2) Discuss the methodology the department uses to check for compliance with this section and §§ 56-7-2601 and 56-7-2602;
- (3) Identify market conduct examinations conducted or completed during the preceding twelve-month period regarding compliance with parity in mental health or alcoholism or drug dependency benefits under state and federal laws and summarize the results of such market conduct examinations. Individually identifiable information shall be excluded from the reports consistent with federal privacy protections, including, but not limited to, 42 U.S.C. § 290dd-2 and regulations found at 42 CFR § 2.1 through 42 CFR § 2.67. This discussion shall include:

(A) The number of market conduct examinations initiated and completed;

(B) The benefit classifications examined by each market conduct examination;

(C) The subject matter of each market conduct examination, including quantitative and non-quantitative treatment limitations; and

(D) A summary of the basis for the final decision rendered in each market conduct examination;

(4) Detail any educational or corrective actions the department of commerce and insurance has taken to ensure health benefit plan compliance with this section, the MHPAEA, 42 U.S.C. § 18031(j), and §§ 56-7-2601 and 56-7-2602;

(5) Detail the department's educational approaches relating to informing the public about mental health or alcoholism or drug dependence parity protections under state and federal law; and

(6) Describe how the department examines any provider or consumer complaints related to denials or restrictions to care for opioid use disorder treatment for possible violations of this section, the MHPAEA, 42 U.S.C. § 18031(j), and §§ 56-7-2601 and 56-7-2602, including complaints regarding, but not limited to:

(A) Denials of claims for residential treatment or other inpatient treatment on the grounds that such a level of care is not medically necessary;

(B) Claims for residential treatment or other inpatient treatment that were approved but for a fewer number of days than requested;

(C) Denials of claims for residential treatment or other inpatient treatment because the beneficiary had not first attempted outpatient treatment, medication, or a combination of outpatient treatment and medication;

(D) Denials of claims for medications such as buprenorphine or naltrexone on the grounds that they are not medically necessary;

(E) Step therapy requirements imposed before buprenorphine or naltrexone is approved; and

(F) Prior authorization requirements imposed on claims for buprenorphine or naltrexone, including those imposed because of safety risks associated with buprenorphine.

(f) The report issued pursuant to subsection (e) must be written in non-technical, readily understandable language and shall be made available to the public by posting the report on the department's website and by other means as the department finds appropriate, provided that the department must redact the names of any health insurance carriers and any other entities that have entered into a contract with a health insurance carrier.

(g) Benefits under this section shall not be denied for care for confinement provided in a hospital owned or operated by this state that is especially intended for use in the diagnosis, care, and treatment of psychiatric, mental, or nervous disorders.

(h) Nothing in this section applies to accident-only, specified disease, hospital indemnity, medicare supplement, long-term care, or other limited benefit hospital insurance policies.

(i) The commissioner is authorized to promulgate rules to effectuate the purposes of this section. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(j) Nothing in this section shall be construed as requiring the disclosure of any information that would violate 42 U.S.C. § 290dd-2 and regulations found at 42 CFR § 2.1 through 42 CFR § 2.67.

SECTION 2. Tennessee Code Annotated, Title 56, Chapter 7, Part 10, is amended by adding the following as a new section:

(a) Whenever the commissioner performs a market conduct examination of a health insurance carrier that issues a health benefit plan under the jurisdiction of the department of commerce and insurance for compliance with § 56-7-2360, the examination shall include, but not be limited to, the following information:

(1) A description of the process used to develop or select the medical necessity criteria for mental health or alcoholism or drug dependency benefits and the process used to develop or select the medical necessity criteria for medical and surgical benefits;

(2) Identification of all non-quantitative treatment limitations (NQTLs) that are applied to both mental health or alcoholism or drug dependency benefits and medical and surgical benefits; and

(3) The results of any analysis that may have been performed by a health insurance carrier that demonstrates that for the medical necessity criteria described in subdivision (a)(1) and for each NQTL identified in subdivision (a)(2), as written and in operation, the processes, strategies, evidentiary standards, or other factors used to apply the medical necessity criteria and each NQTL to mental health or alcoholism or drug dependency benefits are comparable to, and are applied no more stringently than, the processes, strategies, evidentiary standards, or other factors used to apply the medical necessity criteria and each NQTL, as written and in operation, to medical and surgical benefits. The results of the analysis may:

(A) Identify the factors used to determine that an NQTL will apply to a benefit, including factors that were considered but rejected;

(B) Identify and define the specific evidentiary standards used to define the factors and any other evidentiary standards relied upon in designing each NQTL;

(C) Identify and describe the methods and analyses used, including the results of any relevant analyses, to determine that the processes and strategies used to design each NQTL as written for mental health or alcoholism or drug dependency benefits are comparable to, and no more stringent than, the processes and strategies used to design each NQTL as written for medical and surgical benefits;

(D) Identify and describe the methods and analyses used, including the results of any relevant analyses, to determine that processes and strategies used to apply each NQTL in operation for mental health or alcoholism or drug dependency benefits are comparable to, and no more stringent than, the processes or strategies used to apply each NQTL in operation for medical and surgical benefits;

(E) Disclose the specific findings and conclusions reached by the health insurance carrier that the results of any relevant analyses under this subsection indicate that the health insurance carrier is in compliance with this section and the federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) (Pub. L. No. 110-343), and its implementing regulations, including 45 CFR 146.136 and any other applicable regulations; and

(F) Identify any other information necessary to clarify data provided in accordance with this section requested by the commissioner, including information that may be "proprietary" or have "commercial value." Any information submitted that is proprietary shall not be made a public record under title 10, chapter 7.

(b) The health insurance carrier's chief executive officer and chief medical officer shall sign a certification that affirms that the health insurance carrier has completed a comprehensive review of its administrative practices for the prior calendar year for compliance with the necessary provisions of this section, §§ 56-7-2601 and 56-7-2602, and the MHPAEA.

(c) Separate NQTLs that apply to mental health or alcohol or drug dependency benefits but do not apply to medical and surgical benefits within any classification of benefits are not permitted.

SECTION 3. This act shall take effect January 1, 2019, the public welfare requiring it. This act shall apply to policies and contracts entered into or renewed on and after January 1, 2019.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2165**, as amended, passed its third and final consideration by the following vote:

Ayes	29
Noes	0

THURSDAY, APRIL 19, 2018 -- 74TH LEGISLATIVE DAY

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yarbrow and Mr. Speaker McNally--29.

A motion to reconsider was tabled.

Senate Bill No. 2166 -- State Employees -- As introduced, requires that a state employee in the preferred service be reinstated upon the failure of an appointing authority or the commissioner of human resources to issue a timely decision in a Step I or Step II appeal, respectively; requires the appointing authority and commissioner in such proceedings to provide the complainant employee copies of certain evidence prior to meeting with the employee; excludes evidence from consideration if not so provided. Amends TCA Title 8, Chapter 30.

On motion, Senate Bill No. 2166 was made to conform with **House Bill No. 2469**.

On motion, House Bill No. 2469, on same subject, was substituted for Senate Bill No. 2166.

On motion of Senator Briggs, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2469** passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbrow and Mr. Speaker McNally--30.

A motion to reconsider was tabled.

Senator Watson moved that **House Bill No. 2082** be placed on the Calendar for Monday, April 23, 2018, which motion prevailed.

Senator Southerland moved that **Senate Bill No. 2227** be placed at the heel of Calendar No. 1 for today, which motion prevailed.

Senate Bill No. 1728 -- TennCare -- As introduced, directs commissioner to submit waiver to impose reasonable work requirements upon able-bodied working age adult enrollees without dependent children under the age of six. Amends TCA Title 71.

On motion, Senate Bill No. 1728 was made to conform with **House Bill No. 1551**.

On motion, House Bill No. 1551, on same subject, was substituted for Senate Bill No. 1728.

On motion of Senator Crowe, Amendment No. 1 was withdrawn.

Senator Yarbrow moved to amend as follows:

AMENDMENT NO. 2

AMEND by inserting the following new sections immediately after Section 1 of the bill and renumbering the subsequent section accordingly:

SECTION 2. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following as a new section:

As a part of the waiver amendment submitted pursuant to Section 1, a waiver amendment request to the existing TennCare II waiver shall be submitted that expands the population eligible to receive medical assistance under this part to include either the expansion population substantially as proposed in the Insure Tennessee proposal considered in the 2015 extraordinary session of the One Hundred Ninth General Assembly or the expansion population authorized by 42 U.S.C. § 1396a(a)(10)(A)(i)(VIII). The expansion population under this section shall also be subject to the same work or community engagement requirements imposed pursuant to Section 1.

SECTION 3. Tennessee Code Annotated, Section 71-5-126, is amended by deleting the section in its entirety.

Senator Roberts objected to the consideration of Amendment No. 2, pursuant to Article II, Section 17 of the Constitution of Tennessee.

RULING OF THE SPEAKER

Mr. Speaker McNally ruled that, Amendment No. 2 is broader than the subject expressed in the caption of House Bill No. 1551 and therefore violates Article II, Section 17 of the Constitution of Tennessee.

Thereupon, Amendment No. 2, being out of order, was withdrawn by Mr. Speaker McNally.

Senator Yarbro moved to amend as follows:

AMENDMENT NO. 3

AMEND by adding the following language at the end of the amendatory language of Section 1:

One (1) year after a waiver implemented pursuant to this section takes effect, the commissioner of finance and administration shall compare the state costs associated with implementation of the waiver to the state cost-savings associated with the implementation of the waiver. The waiver shall include a provision that terminates the waiver implemented pursuant to this section and reverts to the waiver that was in place prior to the implementation if the commissioner of finance and administration determines that the state costs exceed the state cost-savings.

Senator Roberts moved that Amendment No. 3 go to the table, which motion prevailed by the following vote:

Ayes 18
Noes 9

THURSDAY, APRIL 19, 2018 -- 74TH LEGISLATIVE DAY

Senators voting aye were: Bailey, Bell, Bowling, Gardenhire, Gresham, Haile, Hensley, Johnson, Kelsey, Lundberg, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Watson and Yager--18.

Senators voting no were: Briggs, Crowe, Dickerson, Ketron, Kyle, Massey, Norris, Tate and Yarbro--9.

On motion of Senator Yarbro, Amendment No. 4 was withdrawn.

On motion of Senator Haile, Amendment No. 5 was withdrawn.

Thereupon, **House Bill No. 1551** passed its third and final consideration by the following vote:

Ayes	23
Noes	2

Senators voting aye were: Bailey, Bell, Bowling, Crowe, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Watson, Yager and Mr. Speaker McNally--23.

Senators voting no were: Kyle and Yarbro--2.

A motion to reconsider was tabled.

Senator Johnson moved that **Senate Bill No. 444** be placed on the Calendar for Monday, April 23, 2018, which motion prevailed.

Senate Bill No. 1623 -- Education -- As introduced, prohibits use of a test for the required eleventh grade assessment if problems occurred in an administration of the test or the grading of the test on any test date that resulted in students not receiving test scores. Amends TCA Title 49, Chapter 1; Title 49, Chapter 2; Title 49, Chapter 3 and Title 49, Chapter 6.

On motion, Senate Bill No. 1623 was made to conform with **House Bill No. 1981**.

On motion, House Bill No. 1981, on same subject, was substituted for Senate Bill No. 1623.

Senator Gresham moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-6001(b), is amended by adding the following language as a new subdivision (2) and renumbering current subdivision (2) as subdivision (3):

(2)(A) If an assessment required under subdivision (b)(1) is misadministered by fault of the assessment provider, as determined by the department of education, then the assessment provider must respond as follows:

(i) An incident report on the misadministration must be provided to the department of education and the LEA or LEAs in which the

misadministration occurred. The incident report shall provide remediation plans that will result in reportable scores, if possible;

(ii) The assessment provider shall reimburse the LEA or LEAs in which the misadministration occurred for any exam that does not result in a reportable score for the student; and

(iii) The assessment provider shall provide an opportunity for any student impacted by the misadministration to take the assessment again at no charge.

(B) Failure to respond as required in subdivision (b)(2)(A) shall result in the state not continuing to use the assessment and shall be considered a breach of contract by the assessment provider.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Gresham moved to amend as follows:

AMENDMENT NO. 2

AMEND by inserting the following new sections immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 49-1-617, is amended by adding the following language as a new subsection:

() Notwithstanding subsection (a), each local board of education may choose the percentage within the range of zero percent (0%) to fifteen percent (15%) that scores from the TNReady assessments administered in the 2017-2018 school year shall count on a student's final grade for the spring semester.

SECTION _____. For the 2017-2018 school year, LEAs shall not base employment termination and compensation decisions for teachers solely on data generated by statewide assessments administered online.

Pursuant to Rule 39(3), Amendment No. 2 was adopted by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbrow and Mr. Speaker McNally--29.

Thereupon, **House Bill No. 1981**, as amended, passed its third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbrow and Mr. Speaker McNally--30.

A motion to reconsider was tabled.

Senate Bill No. 2362 -- Health Care -- As introduced, directs the commissioner of health to study issues related to healthcare access and healthcare status of populations affected by the implementation of Chapter 1043 of the Public Acts of 2016; the commissioner shall report the findings and any recommendations arising out of the study to the health committee of the house of representatives and the health and welfare committee of the senate on or before January 15, 2019. Amends TCA Title 4; Title 7; Title 33; Title 53; Title 56; Title 63; Title 68 and Title 71.

Senator Crowe moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 33-2-413, is amended by adding the following as a new subsection:

(f) The department shall include in its annual inspection of each hospital licensed under this title a determination of the hospital's compliance with the reporting requirements of § 33-3-117. The hospital must document its compliance with a record of its communication with local law enforcement with respect to the commitments. A hospital's failure to comply with the reporting requirements shall subject the hospital to civil penalties or other action against the hospital's license under § 33-2-407.

SECTION 2. Tennessee Code Annotated, Section 68-11-210, is amended by adding the following as a new subsection:

(f)(1) When inspecting a hospital licensed, under this title, the department shall include in its inspection a determination of the hospital's compliance with the reporting requirements of subdivision (f)(2). The hospital must document its compliance with a record of its communication with local law enforcement with respect to the commitments. A hospital's failure to comply with the reporting requirements shall subject the hospital to civil penalties or other action against the hospital's license under this part.

(2)(A) If a patient is involuntarily committed to inpatient treatment at a hospital licensed under this title, the hospital shall report the service recipient to local law enforcement as soon as practicable, but no later than the third business day following the date of such commitment, who shall report the service recipient to the federal bureau of investigation-NICS Index and the department of safety as soon as practicable, but no later than the third business day following the date of receiving such notification, for the purposes of complying with the

NICS Improvement Amendments Act of 2007, Public Law 110-180, as enacted and as may be amended in the future.

(B) If hospital is required to report pursuant to subdivision (2)(A), the hospital shall report the following information:

(i) Complete name of the person involuntarily committed;

(ii) Date involuntary commitment was ordered;

(iii) Private or state hospital or treatment resource to which the individual was involuntarily committed;

(iv) Date of birth of the person involuntarily committed;

(v) Race and sex of the person involuntarily committed;
and

(vi) Social security number of the person involuntarily committed.

(C) The information in subdivisions (f)(2)(B)(i)-(vi), the confidentiality of which is protected by other statutes or regulations, shall be maintained as confidential and not subject to public inspection pursuant to such statutes or regulations, except for such use as may be necessary in the conduct of any proceedings pursuant to §§ 39-17-1316, 39-17-1353, and 39-17-1354.

SECTION 3. This act shall take effect July 1, 2018, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2362**, as amended, passed its third and final consideration by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager and Mr. Speaker McNally--29.

A motion to reconsider was tabled.

Senator Kelsey moved that **Senate Bill No. 987** be placed on the Calendar for Monday, April 23, 2018, which motion prevailed.

Senate Bill No. 2677 -- Public Employees -- As introduced, requires the district attorneys general conference to report to the general assembly in January of each year with recommendations on combating opiate abuse, including recommended legislation to address law enforcement concerns raised by opioid abuse. Amends TCA Title 8 and Title 16.

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On motion, Senate Bill No. 2677 was made to conform with **House Bill No. 2325**.

On motion, House Bill No. 2325, on same subject, was substituted for Senate Bill No. 2677.

On motion of Senator Kelsey, Amendment No. 1 was withdrawn.

On motion of Senator Kelsey, Amendment No. 2 was withdrawn.

On motion of Senator Bailey, Amendment No. 3 was withdrawn.

Thereupon, **House Bill No. 2325** passed its third and final consideration by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yarbrow and Mr. Speaker McNally--29.

A motion to reconsider was tabled.

Senator Tate moved that **Senate Bill No. 1890** be placed on the Calendar for Monday, April 23, 2018, which motion prevailed.

Senator Gresham moved that **Senate Bill No. 1894** be placed on the Calendar for Monday, April 23, 2018, which motion prevailed.

Senator Niceley moved that **Senate Bill No. 1915** be placed on the Calendar for Monday, April 23, 2018, which motion prevailed.

House Bill No. 132 -- Public Funds and Financing -- As introduced, clarifies that the power of the Tennessee Local Development Authority to purchase bonds or notes under the Tennessee Local Development Authority Act is supplemental to other laws conferring that power; clarifies that professional services are not required to be based on competitive procurement methods; requires superintendents of correctional institutions to keep records of supplies electronically or in a well-bound book; clarifies that bonds are exempt from gift taxes imposed prior to January 1, 2012. Amends TCA Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 12; Title 13; Title 41; Title 42; Title 49; Title 64; Title 68 and Title 69.

Senator Watson moved to lift from the table a motion to reconsider on **House Bill No. 132**, which motion prevailed.

Senator Watson moved that the Senate reconsider its action in passing **House Bill No. 132**, which motion prevailed.

Senator Watson moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting the language in the effective date section and substituting instead the following:

This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to contributions made by a governmental entity on or after December 22, 2017, which is the date of enactment of Pub. L. No. 115-97, § 13312.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 132**, as amended, was repassed on third and final consideration by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Swann, Tate, Watson, Yager, Yarbro and Mr. Speaker McNally--29.

A motion to reconsider was tabled.

Senator Southerland moved that **Senate Bill No. 2227** be placed on the Calendar for Monday, April 23, 2018, which motion prevailed.

MOTION

Senator Norris moved that Rule 19 be suspended for the purpose of considering the Message Calendar next, which motion prevailed.

MOTION

Senator Norris moved that Rule 19 and Rule 44 be suspended for the purpose of making and considering the Message Calendar consisting of the following bills: **Senate Bills Nos. 692, 1572, 2025, 2049 and 2662**; and **House Bill No. 2603**, which motion prevailed.

MESSAGE CALENDAR

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 692 -- Taxes -- As introduced, exempts methanol from gasoline and petroleum taxes when not blended or composed of other motor fuels. Amends TCA Title 9; Title 54; Title 55 and Title 67.

HOUSE AMENDMENT NO. 1

AMEND by deleting the following amendatory language from Section 1:

There shall be exempt from the taxes imposed in §§ 67-3-201 and 67-3-202 methanol

and by substituting instead the following new language:

There shall be exempt from the taxes imposed in §§ 67-3-201 and 67-3-202 and by chapter 6 of this title methanol

Senator Yager moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 692**, which motion prevailed by the following vote:

Ayes	26
Noes	0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Swann, Watson, Yager and Mr. Speaker McNally--26.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 1572 -- Administrative Procedure (UAPA) -- As introduced, clarifies definitions of "policy" and "rule" for rulemaking purposes; requires an agency to submit proposed policies to the attorney general for review; prohibits an agency from promulgating rules or implementing policies that infringe on an agency member's freedom of speech; and prescribes that only appointing authorities shall have the power to remove a member from a multi-member governmental entity. Amends TCA Title 4, Chapter 5.

HOUSE AMENDMENT NO. 3

AMEND by deleting § 4-5-231(b) of Section 3 and substituting instead the following:

(b) An agency's appointing authority shall have sole power to remove a member from a board, commission, council, committee, authority, task force, or other similar multi-member agency created by statute and subject to review under title 4, chapter 29. This subsection (b) shall not impair the ability of the general assembly to reconstitute, restructure, or reestablish such agency.

Senator Bell moved that the Senate concur in House Amendment No. 3 to **Senate Bill No. 1572**, which motion prevailed by the following vote:

Ayes	27
Noes	0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Swann, Yager, Yarbro and Mr. Speaker McNally--27.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2025 -- Controlled Substances -- As introduced, authorizes a partial fill of a prescription of an opioid. Amends TCA Title 53 and Title 63.

HOUSE AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Original prescription" means a prescription for a controlled substance from an authorized prescriber that is presented by the patient to the pharmacist or submitted electronically to the pharmacy; and

(2) "Partial fill" means a prescription filled in a lesser quantity than the amount specified on the prescription for the patient.

(b)(1) A prescription for a controlled substance may be partially filled if:

(A) The partial fill is requested by the patient or the practitioner who wrote the prescription; and

(B) The total quantity dispensed through partial fills pursuant to subdivision (b)(1)(A) does not exceed the total quantity prescribed for the original prescription.

(2) If a partial fill is made, the pharmacist shall retain the original prescription at the pharmacy where the prescription was first presented and the partial fill dispensed.

(3) Any subsequent fill shall occur at the pharmacy that initially dispensed the partial fill. Any subsequent fill shall be filled within thirty (30) days from issuance of the original prescription.

(c)(1) If a partial fill is dispensed, the pharmacist shall only record in the controlled substance database the partial fill amount actually dispensed.

(2) If a partial fill is dispensed, the pharmacist shall notify the prescribing practitioner of the partial fill and of the amount actually dispensed:

(A) Through a notation in the interoperable electronic health record of the patient;

(B) Through submission of information to the controlled substance database;

(C) By electronic or facsimile transmission; or

(D) Through a notation in the patient's record that is maintained by the pharmacy, and that is accessible to the practitioner upon request.

(3) Nothing in this section shall be construed to conflict with or supersede any other requirement established in this part or title 53, chapter 10 or 11, for a prescription of a controlled substance.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

Senator Haile moved that the Senate nonconcur in House Amendment No. 1 to **Senate Bill No. 2025**, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2049 -- Public Records -- As introduced, makes confidential the records of any food-based business incubation service provider created by a municipality. Amends TCA Section 10-7-504.

HOUSE AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 10-7-504(a), is amended by adding the following as a new subdivision (30):

(A) Proprietary information, trade secrets, and marketing information submitted to any food-based business incubation service provider created by a municipality shall be treated as confidential and shall not be open for inspection by members of the public.

(B) As used in this subdivision (a)(30):

(i) "Proprietary information":

(a) Means commercial or financial information that is used either directly or indirectly in the business of any person or company submitting information to a food-based business incubation service provider, and that gives such person or company an advantage or an opportunity to obtain an advantage over competitors who do not know or use such information; and

(b) Does not include lease agreements with the incubation service provider, the identity of businesses or persons using the incubation service provider's services, amounts paid to the incubation service provider by businesses or persons for use of facilities or for other services, or financial records of the incubation service provider;

(ii) "Trade secret" means a manufacturing process, materials used therein, and costs associated with the manufacturing process of any person or company submitting information to a food-based business incubation service provider; and

(iii) "Marketing information" means marketing studies, marketing analyses, and similar research and information designed to identify potential customers and business relationships.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Crowe moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2049**, which motion prevailed by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Watson, Yager, Yarbrow and Mr. Speaker McNally--29.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2662 -- Education, State Board of -- As introduced, designates the state board of education as the regulating authority for the public school athletic events of cross country, football, soccer, volleyball, golf, basketball, bowling, wrestling, baseball, softball, tennis, and track. Amends TCA Title 49, Chapter 1; Title 49, Chapter 2; Title 49, Chapter 3 and Title 49, Chapter 6.

HOUSE AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 4, is amended by adding the following language as a new section:

Any voluntary association that establishes and enforces bylaws or rules for interscholastic sports competition for public secondary schools in this state shall be subject to an annual audit by the comptroller of the treasury. At the discretion of the comptroller of the treasury, the audit may be prepared by a certified public accountant, a public accountant, or by the department of audit. The comptroller of the treasury may accept the association's own audit prepared by a certified public accountant that has been filed with the secretary of state to satisfy the requirements of this section. If the association fails or refuses to have the audit prepared, then the comptroller of the treasury may appoint a certified public accountant or public accountant or direct the department to prepare the audit. The association shall bear the full costs of any audit prepared.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 2, Part 1, is amended by adding the following as a new section:

(a) Public schools, including public charter schools, shall not use public funds to join, become members of, or maintain membership in an association that regulates

interscholastic athletics unless the association's governing board voluntarily complies with the open meetings laws, compiled in title 8, chapter 44, part 1.

(b) Notwithstanding subsection (a), an association that regulates interscholastic athletics may conduct a closed meeting, or close a portion of an otherwise open meeting, if confidential information protected by the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g), § 10-7-504, or any other relevant privacy law or privilege, must be discussed. No other business, other than the business to which the confidential information relates, shall be addressed during such a closed meeting.

SECTION 3. This act shall take effect July 1, 2018, the public welfare requiring it.

Senator Bailey moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2662**, which motion prevailed by the following vote:

Ayes	27
Noes	0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Yarbrow and Mr. Speaker McNally--27.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 2603 -- Licenses -- As introduced, requires persons subject to licensure as emergency medical services personnel to notify the commissioner of health of all convictions and pending charges of commission of a felony or misdemeanor within 10 business days of the occurrence of such actions. Amends TCA Title 68, Chapter 140.

Senator Bailey moved to lift from the table a motion to reconsider on **House Bill No. 2603**, as amended, which motion prevailed.

Senator Bailey moved that the Senate reconsider its action in passing **House Bill No. 2603**, as amended, which motion prevailed.

Senator Bailey moved to amend as follows:

AMENDMENT NO. 3

AMEND by inserting the language ", citations for reckless driving under § 55-10-205," immediately after the language "arrests" in the amendatory language of Section 1.

Pursuant to Rule 39(3), Amendment No. 3 was adopted by the following vote:

Ayes	29
Noes	0

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Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Watson, Yager, Yarbrow and Mr. Speaker McNally--29.

Thereupon, **House Bill No. 2603**, as amended, was repassed on third and final consideration by the following vote:

Ayes 28
Noes 0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Watson, Yarbrow and Mr. Speaker McNally--28.

A motion to reconsider was tabled.

NOTICES

MESSAGE FROM THE HOUSE

April 19, 2018

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1549. The House refused to recede from its action in adopting House Amendment No. 1.

TAMMY LETZLER,
Chief Clerk

**APPOINTMENT OF SELECT COMMITTEE
CONFERENCE COMMITTEE
ON
SENATE BILL NO. 1549**

The Speaker announced the appointment of a Conference Committee composed of Senators Bell, Chairperson; Bowling and Harper to confer with a like committee from the House to resolve the differences of the two Bodies on Senate Bill No. 1549.

MESSAGE FROM THE HOUSE

April 19, 2018

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2013, substituted for House Bill on same subject, amended, and passed by the House.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

April 19, 2018

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1842, substituted for House Bill on same subject, amended, and passed by the House.

TAMMY LETZLER,
Chief Clerk

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MESSAGE FROM THE HOUSE

April 19, 2018

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2141. The House refused to recede from its action in nonconcurring in Senate Amendment No. 1.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

April 19, 2018

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1335, substituted for House Bill on same subject, amended, and passed by the House.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

April 19, 2018

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 949, substituted for House Bill on same subject, amended, and passed by the House.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

April 19, 2018

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1688. The House refused to recede from its action in adopting House Amendment No. 4.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

April 19, 2018

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2705. The House refused to recede from its action in adopting House Amendment No. 1.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

April 19, 2018

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1879. The House refused to recede from its action in adopting House Amendment No. 1.

TAMMY LETZLER,
Chief Clerk

MOTION

Senator Roberts moved that Rule 19 and Rule 37 be suspended for the purpose of making and considering Calendar No. 2 consisting of the following bills and resolutions: **Senate Bills Nos. 2172, 2191, 2201, 2204, 2231, 2232, 2259, 2261, 2292, 2313, 2316, 2328, 2361, 2383, 2405, 2426, 2452, 2526, 2556, 2571, 2596, 2603, 2609, 2622, 2630, 2674, 2678, 2680, 2681, 2693, 2711 and 2715**; and **House Joint Resolutions Nos. 741 and 37**, which motion prevailed.

CALENDAR NO. 2

Senate Bill No. 2172 -- Trusts -- As introduced, clarifies circumstances under which a trust may be construed as a total return unitrust. Amends TCA Title 35, Chapter 6.

On motion, Senate Bill No. 2172 was made to conform with **House Bill No. 2052**.

On motion, House Bill No. 2052, on same subject, was substituted for Senate Bill No. 2172.

On motion of Senator Kelsey, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2052** passed its third and final consideration by the following vote:

Ayes	27
Noes	0

Senators voting aye were: Bailey, Bell, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Watson, Yager, Yarbrow and Mr. Speaker McNally--27.

A motion to reconsider was tabled.

Senate Bill No. 2191 -- Controlled Substances -- As introduced, requires the commissioner of health to study the issues related to requiring the use of electronic prescriptions for controlled substances by all authorized prescribers in this state to the full extent permitted by federal law; requires the commissioner to report on or before January 15, 2019, any recommendations and findings to the health committee of the house of representatives and the health and welfare committee of the senate. Amends TCA Title 53; Title 56; Title 63 and Title 68.

On motion, Senate Bill No. 2191 was made to conform with **House Bill No. 1993**.

On motion, House Bill No. 1993, on same subject, was substituted for Senate Bill No. 2191.

On motion of Senator Crowe, Amendment No. 1 was withdrawn.

On motion of Senator Watson, Amendment No. 2 was withdrawn.

On motion of Senator Watson, Amendment No. 3 was withdrawn.

Thereupon, **House Bill No. 1993** passed its third and final consideration by the following vote:

Ayes 26
Noes 1

Senators voting aye were: Bailey, Bell, Briggs, Crowe, Gardenhire, Gresham, Haile, Harper, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Watson, Yager, Yarbrow and Mr. Speaker McNally--26.

Senator voting no was: Hensley--1.

A motion to reconsider was tabled.

MOTION

Senator Crowe moved that **House Joint Resolution No. 37**, as amended, be considered next, out of order, which motion prevailed.

CALENDAR NO. 2

House Joint Resolution No. 37 -- Constitutional Amendments -- Proposes an amendment to the Constitution of Tennessee recognizing that our liberties do not come from governments, but from Almighty God, as amended.

Senator Crowe moved that the Clerk read the resolution, as amended, which motion prevailed.

The Clerk read the resolution, as amended, for the second time.

Thereupon, Mr. Speaker McNally declared pursuant to Article XI, Section 3, **House Joint Resolution No. 37**, as amended, had been read, for the second time.

Senate Bill No. 2201 -- Taxes -- As introduced, requires annual report by the commissioner of revenue concerning payments in lieu of taxes from the Tennessee valley authority to the finance, ways and means committees of the senate and house of representatives. Amends TCA Title 9; Title 11; Title 12 and Title 67.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 1 and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 11-14-406(b), is amended by deleting the language:

On or before January 1 of each year, the commissioner of finance and administration shall certify to the comptroller of the treasury such information as is necessary to identify the parcels of property which have been rendered tax exempt pursuant to this part. The comptroller of the treasury shall determine the appropriate tax rate and assessed value of each such parcel of property and, on or before March 1 of each year, shall certify to the commissioner of finance and administration the amount of property tax revenue lost by each affected city or county the prior calendar year.

and substituting instead the following:

On or before January 1 of each year, the commissioner of finance and administration shall certify to the comptroller of the treasury such information as is necessary to identify the parcels of property which have been rendered tax exempt pursuant to this part. The comptroller of the treasury shall determine the appropriate tax rate and assessed value of every parcel of property acquired by the wildlife resources agency regardless of whether the land was acquired with wetlands funds, and, on or before March 1 of each year, shall certify to the commissioner of finance and administration the amount of property tax revenue lost by each affected city or county the prior calendar year.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2201**, as amended, passed its third and final consideration by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Watson, Yager, Yarbrow and Mr. Speaker McNally--29.

A motion to reconsider was tabled.

Senate Bill No. 2204 -- Liens -- As introduced, increases from \$3.00 to \$5.00 the fee that the register may charge for execution of a marginal release of a lien. Amends TCA Title 8; Title 47; Title 62 and Title 66.

On motion, Senate Bill No. 2204 was made to conform with **House Bill No. 1926**.

On motion, House Bill No. 1926, on same subject, was substituted for Senate Bill No. 2204.

Senator Kelsey moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 66, Chapter 21, Part 1, is amended by adding the following as a new section:

A real property owner who prevails in an action challenging the validity of a lien, including in a slander of title proceeding, shall recover:

- (1) The person's reasonable attorney's fees,
- (2) The person's reasonable costs to challenge the validity of the lien;
- (3) Liquidated damages in an amount equal to three (3) times the person's attorney fees; and

(4) Any actual damages incurred by the person.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it.

Senator Swann moved that **House Bill No. 1926** be moved two places down on Calendar No. 2 for today, which motion prevailed.

Senate Bill No. 2231 -- Food and Food Products -- As introduced, specifies that the department of agriculture may cooperate with the United States food and drug administration in enforcement of the federal standards for the growing, harvesting, packing, and holding of produce for human consumption. Amends TCA Title 53, Chapter 1.

On motion, Senate Bill No. 2231 was made to conform with **House Bill No. 1807**.

On motion, House Bill No. 1807, on same subject, was substituted for Senate Bill No. 2231.

Senator Southerland moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 53, Chapter 1, is amended by adding the following as a new, appropriately designated part:

(a) As used in this part:

(1) "Administration" means the United States food and drug administration;

(2) "Department" means the department of agriculture; and

(3) "Standards" means the standards for the growing, harvesting, packing, and holding of produce for human consumption, compiled in 21 CFR Part 112.

(b) The department is authorized to cooperate with the administration under the standards.

(c) In furtherance of its responsibilities under this part the department may:

(1) Conduct inspections and take other actions reasonably necessary to assist the administration in enforcing the standards;

(2) Enter into cooperative agreements with the administration to implement provisions of the standards; and

(3) Promulgate rules to effectuate the purposes of this part, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(d) No state funds shall be expended for the purposes of enforcing the standards against agricultural producers that only make sales of produce to:

(1) The consumer of the produce; or

(2) A restaurant or retail food establishment that is located in this state or not more than two hundred seventy-five (275) miles away from the farm where the produce was produced.

(e) The department shall not expend more funds to cooperate with the administration under the standards than the amount of funds that are provided to this state by the federal government for such purposes.

(f) This part shall cease to be effective on June 30, 2021.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 1807**, as amended, passed its third and final consideration by the following vote:

Ayes	26
Noes	1

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Norris, Pody, Reeves, Roberts, Southerland, Swann, Watson, Yager, Yarbrow and Mr. Speaker McNally--26.

Senator voting no was: Niceley--1.

A motion to reconsider was tabled.

Senate Bill No. 2232 -- Insurance Companies, Agents, Brokers, Policies -- As introduced, makes various changes to the insurance laws, including, but not limited to, changing the jurisdiction over claims challenging liability imposed by the insurance laws, granting the commissioner authority to provide by rule additional requirements for certain credits for reinsurance by a domestic ceding insurer, and requiring yearly submission of corporate governance annual disclosures. Amends TCA Title 9 and Title 56.

On motion, Senate Bill No. 2232 was made to conform with **House Bill No. 1808**.

On motion, House Bill No. 1808, on same subject, was substituted for Senate Bill No. 2232.

On motion of Senator Johnson, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 1808** passed its third and final consideration by the following vote:

Ayes	26
Noes	0

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Senators voting aye were: Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Norris, Pody, Reeves, Roberts, Southerland, Swann, Watson, Yager, Yarbrow and Mr. Speaker McNally--26.

A motion to reconsider was tabled.

FURTHER ACTION ON HOUSE BILL NO. 1926

On motion, Amendment No. 1 was adopted.

Senator Johnson moved that Amendment No. 2 be placed behind Amendment No. 3, which motion prevailed.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 3

AMEND by adding the following as a new subsection in Section 1:

() This section does not apply to any lien filed by a financial institution that is insured by the federal deposit insurance corporation, insured by the national credit union administration, or regulated by the farm credit administration.

On motion, Amendment No. 3 was adopted.

On motion of Senator Johnson, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 1926**, as amended, passed its third and final consideration by the following vote:

Ayes	25
Noes	0

Senators voting aye were: Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Norris, Pody, Roberts, Southerland, Swann, Watson, Yager, Yarbrow and Mr. Speaker McNally--25.

A motion to reconsider was tabled.

MR. SPEAKER MCNALLY RELINQUISHES CHAIR

Mr. Speaker McNally relinquished the Chair to Senator Bowling.

MOTION

Senator Johnson moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 967**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 967 by Senator Johnson.
Memorials, Personal Achievement -- Matthew Thomas King, Eagle Scout.

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On motion of Senator Johnson, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 967** was adopted.

A motion to reconsider was tabled.

MOTION

Senator Briggs moved that **Senate Bill No. 2165** be recalled from the House, which motion prevailed.

CALENDAR NO. 2

Senator Norris moved that **Senate Bill No. 2259** be placed on the Calendar for Monday, April 23, 2018, which motion prevailed.

Senator Norris moved that **Senate Bill No. 2261** be placed on the last Calendar, which motion prevailed.

Senator Bell moved that **Senate Bill No. 2292** be placed on the Calendar for Monday, April 23, 2018, which motion prevailed.

Senate Bill No. 2313 -- Sexual Offenders -- As introduced, allows a sexual offender whose victim was a minor to obtain sexual offender treatment in a location that is within 1,000 feet of a school, child care facility, public park, playground, recreation center, or public athletic field. Amends TCA Title 40, Chapter 39, Part 2.

On motion, Senate Bill No. 2313 was made to conform with **House Bill No. 2323**.

On motion, House Bill No. 2323, on same subject, was substituted for Senate Bill No. 2313.

House Bill No. 2323 passed its third and final consideration by the following vote:

Ayes	25
Noes	0

Senators voting aye were: Bailey, Bell, Briggs, Crowe, Gardenhire, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Norris, Pody, Roberts, Southerland, Stevens, Swann, Watson, Yager and Mr. Speaker McNally--25.

A motion to reconsider was tabled.

Senate Bill No. 2316 -- Firearms and Ammunition -- As introduced, allows current or former members of the national guard and the military reserve forces to obtain handgun permit at age 18; makes consistent the effect that restoration of citizenship has upon the possession and purchase of firearms and the obtaining of a handgun carry permit. Amends TCA Title 39, Chapter 17, Part 13.

On motion, Senate Bill No. 2316 was made to conform with **House Bill No. 2464**.

On motion, House Bill No. 2464, on same subject, was substituted for Senate Bill No. 2316.

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On motion of Senator Kelsey, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2464** passed its third and final consideration by the following vote:

Ayes	25
Noes	0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Norris, Pody, Roberts, Southerland, Stevens, Swann, Watson, Yager and Mr. Speaker McNally--25.

A motion to reconsider was tabled.

Senator Yarbrow moved that **Senate Bill No. 2328** be placed on the Calendar for Monday, April 23, 2018, which motion prevailed.

Senate Bill No. 2361 -- Health Care -- As introduced, directs the commissioner of health to study issues related to healthcare access and healthcare status of populations affected by the implementation of the Tennessee Prescription Safety Act of 2016, Chapter 1002 of the Public Acts of 2016; the commissioner shall report the findings and any recommendations arising out of the study to the health committee of the house of representatives and the health and welfare committee of the senate on or before January 15, 2019. Amends TCA Title 4; Title 7; Title 33; Title 53; Title 63; Title 68 and Title 71.

On motion, Senate Bill No. 2361 was made to conform with **House Bill No. 2220**.

On motion, House Bill No. 2220, on same subject, was substituted for Senate Bill No. 2361.

On motion of Senator Crowe, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2220** passed its third and final consideration by the following vote:

Ayes	25
Noes	0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Pody, Roberts, Southerland, Stevens, Swann, Watson, Yager, Yarbrow and Mr. Speaker McNally--25.

A motion to reconsider was tabled.

Senate Bill No. 2383 -- Courts, General Sessions -- As introduced, requires a party that perfects an appeal to circuit court of any multi-party civil case before the general sessions court to serve written notice of the appeal to all other parties if an appeal is not taken by all parties to the case; removes qualification that such notice is only required in cases in which comparative fault is an issue at trial. Amends TCA Section 27-5-108.

On motion, Senate Bill No. 2383 was made to conform with **House Bill No. 2202**.

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On motion, House Bill No. 2202, on same subject, was substituted for Senate Bill No. 2383.

Senator Kelsey moved that Amendment No. 1 be placed behind Amendment No. 2, which motion prevailed.

Senator Kelsey moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 27-5-108(a)(2), is amended by deleting the subsection and substituting instead the following:

(2) In civil cases, if one (1) or more of the parties before the general sessions court, on one (1) or more warrants, perfects an appeal of a decision of the general sessions court to the circuit court, as provided in this section, then cross appeals and separate appeals are not required, and upon the filing of a notice of appeal by any party, issues may be brought up for review by any party.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to appeals filed on or after the effective date of this act.

On motion, Amendment No. 2 was adopted.

On motion of Senator Kelsey, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2202**, as amended, passed its third and final consideration by the following vote:

Ayes 24
Noes 0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Norris, Pody, Roberts, Southerland, Stevens, Swann, Watson, Yager and Yarbro--24.

A motion to reconsider was tabled.

NOTICE

MESSAGE FROM THE HOUSE

April 19, 2018

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1981. The House nonconcurred in Senate Amendments Nos. 1 and 2.

TAMMY LETZLER,
Chief Clerk

House Bill No. 1981 -- Education -- As introduced, prohibits use of a test for the required eleventh grade assessment if problems occurred in an administration of the test or the grading of the test on any test date that resulted in students not receiving test scores. Amends TCA Title 49, Chapter 1; Title 49, Chapter 2; Title 49, Chapter 3 and Title 49, Chapter 6.

Senator Gresham moved that the Senate refuse to recede from its action in adopting Senate Amendment No. 1 to **House Bill No. 1981**, which motion prevailed.

Senator Gresham moved that the Senate refuse to recede from its action in adopting Senate Amendment No. 2 to **House Bill No. 1981**, which motion prevailed.

CALENDAR NO. 2

Senator Yarbrow moved that **Senate Bill No. 2405** be placed on the Calendar for Monday, April 23, 2018, which motion prevailed.

Senator Yarbrow moved that **Senate Bill No. 2426** be placed on the Calendar for Monday, April 23, 2018, which motion prevailed.

Madam Speaker Pro Tempore Bowling moved that **Senate Bill No. 2452** be placed on the Calendar for Monday, April 23, 2018, which motion prevailed.

Senator Ketron moved that **Senate Bill No. 2526** be placed on the Calendar for Monday, April 23, 2018, which motion prevailed.

Senate Bill No. 2556 -- Landlord and Tenant -- As introduced, specifies that tenant must provide written notice to landlord when changing an email address at which the tenant agrees to receive notice from the landlord. Amends TCA Title 4, Chapter 21; Title 13, Chapter 20; Title 33; Title 39; Title 44, Chapter 17; Title 44, Chapter 8, Part 4 and Title 66.

On motion, Senate Bill No. 2556 was made to conform with **House Bill No. 2439**.

On motion, House Bill No. 2439, on same subject, was substituted for Senate Bill No. 2556.

On motion of Senator Johnson, Amendment No. 1 was withdrawn.

Senator Kelsey moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 66-7-109, is amended by adding the following as a new subsection (g):

(1) It is deemed to be material noncompliance and default by the tenant with the rental agreement, if the tenant pretends to have a disability-related need for an assistance animal in order to obtain an exception to a provision in a rental agreement that prohibits pets or establishes limits on the types of pets that tenants may possess on residential rental property. As used in this subsection (g), "assistance animal"

means an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one (1) or more identified symptoms or effects of a person's disability.

(2) The landlord may recover damages and obtain injunctive relief for any noncompliance and default by the tenant with the rental agreement under this subsection (g). The landlord may recover reasonable attorney's fees for breach of contract and nonpayment of rent as provided in the rental agreement.

(3) A provision in a rental agreement that authorizes a landlord to hold a tenant in breach or default of the rental agreement in accordance with this subsection (g) is not unconscionable and is fully enforceable.

SECTION 2. Tennessee Code Annotated, Section 66-28-505, is amended by adding the following new subsection:

(f) It is deemed to be material noncompliance by the tenant with the rental agreement, if the tenant pretends to have a disability-related need for an assistance animal in order to obtain an exception to a provision in a rental agreement that prohibits pets or establishes limits on the types of pets that tenants may possess on residential rental property. As used in this subsection (f), "assistance animal" means an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one (1) or more identified symptoms or effects of a person's disability.

SECTION 3. Tennessee Code Annotated, Section 66-28-204, is amended by adding the following as a new subsection:

() A provision in a rental agreement that authorizes a landlord to hold a tenant in breach of the rental agreement in accordance with § 66-28-505(f) is not unconscionable and is fully enforceable.

SECTION 4. This act shall take effect July 1, 2018, the public welfare requiring it, and shall apply to any rental agreement entered into or renewed on or after that date.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 2439**, as amended, passed its third and final consideration by the following vote:

Ayes	24
Noes	1

Senators voting aye were: Bell, Bowling, Briggs, Crowe, Gardenhire, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Norris, Pody, Roberts, Southerland, Stevens, Swann, Watson and Mr. Speaker McNally--24.

Senator voting no was: Yarbro--1.

A motion to reconsider was tabled.

NOTICES

MESSAGE FROM THE HOUSE

April 19, 2018

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1981. The House refused to recede from its action in nonconcurring in Senate Amendments Nos. 1 and 2. The Speaker appointed a Conference Committee composed of Representatives Smith, H. Brooks, Fitzhugh, and Hicks to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on House Bill No. 1981

TAMMY LETZLER,
Chief Clerk

**APPOINTMENT OF SELECT COMMITTEE
CONFERENCE COMMITTEE
ON
HOUSE BILL NO. 1981**

Madam Speaker Pro Tempore announced the appointment of a Conference Committee composed of Senators Gresham, Chairperson; Bell, Kelsey and Yarbrow to confer with a like committee from the House to resolve the differences of the two Bodies on House Bill No. 1981.

CALENDAR NO. 2

Senate Bill No. 2571 -- Education, Dept. of -- As introduced, requires the department to establish in six public schools a three-year pilot program to improve parent-teacher engagement in any grade from kindergarten through grade two. Amends TCA Title 49, Chapter 6.

Senator Gresham moved that Amendment No. 1 be placed behind Amendment No. 2, which motion prevailed.

Senator Watson moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 3, is amended by adding the following as a new section:

(a) The department of education shall establish in no less than two (2) public schools a three-year pilot program to improve parent-teacher engagement in any grade from kindergarten through grade two (K-2). Public schools interested in participating in the program shall apply with the department. The department shall strive to select public schools that satisfy the following criteria:

- (1) One (1) school from each grand division of the state;
- (2) At least one (1) urban, one (1) rural, and one (1) suburban school;

(3) At least one (1) school that primarily serves a minority population;
and

(4) At least one (1) school in which eighty percent (80%) or more of the school's student population is eligible for free or reduced price lunch.

(b) The program shall begin with the 2018-2019 school year. Each school selected by the department to participate in the program shall be trained using a best practices model in the summer before any school selected to participate in the program is scheduled to begin classes for the 2018-2019 school year. The department shall organize a meeting with administrators from each of the schools selected to participate in the program, at which time the schools shall agree on the criteria to be used for the program from the chosen best practices model.

(c) Teachers participating in the program shall not be required to use the teacher's individual planning time or duty-free lunch or planning periods provided by § 49-1-302(e) for any duties or activities associated with the program.

(d) The department is authorized and empowered to contract with one (1) or more entities to provide parent-teacher engagement training to the teachers and principals of each school selected by the department to participate in the program.

(e) Throughout the program, the department shall collect and analyze:

(1) The number and percentage of parents who participated in the program and how many steps of the best practices model criteria they completed;

(2) The number and percentage of students meeting any academic goals established by the student, parent, and teacher as part of an initial parent-teacher conference or meeting;

(3) The academic performance goals met by students in any grade from kindergarten through grade two (K-2) whose parents and teachers participated in the program compared with the academic performance goals met by students in any grade from kindergarten through grade two (K-2) whose parents and teachers did not participate in the program;

(4) Data collected from a parent survey designed to gauge parent satisfaction with the program and to obtain suggestions from parents for ways to improve the program or to improve parent-teacher engagement in any grade from kindergarten through grade two (K-2); and

(5) Data collected from a teacher and principal survey designed to gauge teacher and principal satisfaction with the program and to obtain suggestions from teachers and principals for ways to improve the program or to improve parent-teacher engagement in any grade from kindergarten through grade two (K-2).

(f) The department shall submit an annual report on the outcomes of the pilot program to the education committee of the senate and to the education administration

and planning committee of the house of representatives no later than July 31, 2019, for the first year of the pilot program, and no later than July 31 of each remaining year.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

On motion of Senator Gresham, Amendment No. 1 was withdrawn.

Thereupon, **Senate Bill No. 2571**, as amended, passed its third and final consideration by the following vote:

Ayes	27
Noes	0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Norris, Pody, Roberts, Southerland, Stevens, Swann, Watson, Yager, Yarbrow and Mr. Speaker McNally--27.

A motion to reconsider was tabled.

Senate Bill No. 2596 -- Correction, Dept. of -- As introduced, requires the commissioner to develop and administer a confidential annual survey of correction officers who leave service as correction officers in order to examine factors in retention of correction officers; requires an annual report to the governor and the general assembly on or before December 1. Amends TCA Title 41.

On motion, Senate Bill No. 2596 was made to conform with **House Bill No. 2336**.

On motion, House Bill No. 2336, on same subject, was substituted for Senate Bill No. 2596.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the language "the general assembly" from the amendatory language of Section 1 and substituting instead the language "the chair of the state and local government committee of the senate and the chair of the state government committee of the house of representatives".

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 2336**, as amended, passed its third and final consideration by the following vote:

Ayes	24
Noes	0

Senators voting aye were: Bell, Bowling, Briggs, Crowe, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Norris, Pody, Roberts, Southerland, Stevens, Swann, Yager, Yarbrow and Mr. Speaker McNally--24.

A motion to reconsider was tabled.

Senate Bill No. 2603 -- Administrative Procedure (UAPA) -- As introduced, requires venue for appeals of contested case hearings be in chancery court nearest to the place of residence of the person contesting the agency action, chancery court nearest to the place the cause of action arose, or any court having subject matter jurisdiction. Amends TCA Title 4, Chapter 5, Part 3.

Senator Bell moved that Amendment No. 1 be placed behind Amendment No. 3, which motion prevailed.

Senator Bell moved that Amendment No. 2 be placed behind Amendment No. 1, which motion prevailed.

Senator Bell moved to amend as follows:

AMENDMENT NO. 3

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-5-322(b)(1)(A), is amended by deleting the subdivision and substituting instead the following:

(A)(i) Proceedings for review are instituted by filing a petition for review in chancery court.

(ii) Except as provided in subdivisions (b)(1)(B), venue for appeals of contested case hearings shall be in the chancery court nearest to the place of residence of the person contesting the agency action or alternatively, at the person's discretion, in the chancery court nearest to the place where the cause of action arose, or in the chancery court of Davidson County.

(iii) Venue for appeals of contested case hearings involving TennCare determinations shall be in the chancery court of Davidson County.

(iv) Petitions seeking judicial review shall be filed within sixty (60) days after the entry of the agency's final order thereon.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it.

Senator Bell moved that **Senate Bill No. 2603** be placed on the Calendar for Monday, April 23, 2018, which motion prevailed.

Senate Bill No. 2609 -- Firearms and Ammunition -- As introduced, requires the state board of education to develop academic standards for a firearm education course to be offered as an elective for high school students; course to include history, mathematics, and science related to firearms and to include firearm safety education, but no use or presence of live ammunition. Amends TCA Title 49, Chapter 6.

On motion, Senate Bill No. 2609 was made to conform with **House Bill No. 2550**.

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On motion, House Bill No. 2550, on same subject, was substituted for Senate Bill No. 2609.

On motion of Senator Gresham, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2550** passed its third and final consideration by the following vote:

Ayes	26
Noes	0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Pody, Roberts, Southerland, Stevens, Swann, Watson, Yager, Yarbrow and Mr. Speaker McNally--26.

A motion to reconsider was tabled.

Senator Norris moved that **Senate Bill No. 2622** be placed on the Calendar for Monday, April 23, 2018, which motion prevailed.

Senator Norris moved that **Senate Bill No. 2630** be rereferred to the Committee on Calendar, which motion prevailed.

Senate Bill No. 2674 -- Controlled Substances -- As introduced, requires a prescriber who prescribes more than a five-day supply of opioids to a non-pregnant fertile woman to inform the patient about the risk of fetal injury and neonatal abstinence syndrome in the event of pregnancy; encourages prescribers to recommend and assist with the implementation of birth control methods for such patients. Amends TCA Title 53 and Title 63.

On motion, Senate Bill No. 2674 was made to conform with **House Bill No. 2348**.

On motion, House Bill No. 2348, on same subject, was substituted for Senate Bill No. 2674.

On motion of Senator Crowe, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2348** passed its third and final consideration by the following vote:

Ayes	23
Noes	0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Pody, Roberts, Southerland, Swann, Watson, Yager and Mr. Speaker McNally--23.

A motion to reconsider was tabled.

Senate Bill No. 2678 -- State Symbols -- As introduced, designates the book entitled They Said It Their Way: The Official Tennessee Book of By-Words and Old Sayings by Edwin Garrett as an official state book. Amends TCA Title 4, Chapter 1.

On motion, Senate Bill No. 2678 was made to conform with **House Bill No. 2454**.

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On motion, House Bill No. 2454, on same subject, was substituted for Senate Bill No. 2678.

Senator Bailey moved that **House Bill No. 2454** be placed on the Calendar for Monday, April 23, 2018, which motion prevailed.

Senator Bailey moved that **Senate Bill No. 2680** be placed on the Calendar for Monday, April 23, 2018, which motion prevailed.

Senator Bailey moved that **Senate Bill No. 2681** be placed on the Calendar for Monday, April 23, 2018, which motion prevailed.

Senate Bill No. 2693 -- Motor Vehicles, Titling and Registration -- As introduced, requires the commissioner of revenue to annually report the status of the computerized titling and registration system for motor vehicles to the transportation and safety committee of the senate and the transportation committee of the house of representatives by March 15 rather than March 1. Amends TCA Title 55.

On motion of Senator Pody, Amendment No. 1 was withdrawn.

On motion of Senator Pody, Amendment No. 2 was withdrawn.

On motion of Senator Pody, Amendment No. 3 was withdrawn.

Senator Bailey moved to amend as follows:

AMENDMENT NO. 4

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() North Carolina State University;

SECTION 2. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a North Carolina State University new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section shall bear the official colors and logo of the North Carolina State University and shall include the language "NC State University" in an appropriate design. The design of the plates shall be approved by the North Carolina State University prior to production, and shall additionally afford the trademark protection as the North

Carolina State University shall require as otherwise permitted by law. All uses of the colors and logo of the North Carolina State University shall inure to the benefit of the North Carolina State University.

(c) The funds produced from the sale of North Carolina State University new specialty earmarked license plates shall be allocated to the North Carolina State University Alumni Association in accordance with § 55-4-215. The funds shall be used exclusively to support academic enrichment for students, including scholarships and educational opportunities for students from Tennessee.

SECTION 3. Tennessee Code Annotated, Section 55-4-202(c)(5)(E), is amended by adding the following as a new, appropriately designated subdivision:

() Rakkasans;

SECTION 4. Tennessee Code Annotated, Section 55-4-203(c)(1), is amended by adding the following as a new, appropriately designated subdivision:

() Rakkasans;

SECTION 5. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new section:

(a) Distinctive license plates are authorized for active, retired, and honorably discharged members of the Rakkasans, which is the moniker for the 187th Infantry Regiment of the 101st Airborne Division (Air Assault) of the United States Army, in good standing. The plates are approved for display on motor vehicles that are authorized by § 55-4-210(c) and that are owned and operated, or leased by, a member or a member's spouse or child.

(b) The license plates shall bear an emblem distinctive of the Rakkasans and the language "Rakkasans" with a red torii and the Combat Infantry Badge. The plates shall be designed in consultation with an authorized representative of the 187th Infantry Regiment.

(c) The license plate authorized pursuant to this section shall be issued upon:

- (1) Payment of the regular registration fee pursuant to this chapter;
- (2) Payment of the fee prescribed by § 55-4-203(c); and
- (3) Submission of documentation required by subsection (d) or (e).

(d)(1) All applications pursuant to this section must be accompanied by military orders or other official documentation detailing an assignment to the 187th Infantry Regiment of the 101st Airborne Division (Air Assault) of the United States Army as proof of eligibility for issuance of a license plate pursuant to this section.

(2) In addition to providing the documentation required under subdivision (d)(1):

(A) An active duty member of the 187th Infantry Regiment must present a valid military identification card or such other document as the commissioner designates as sufficient proof that the applicant is an active duty member of the military; or

(B) A retired or honorably discharged member of the 187th Infantry Regiment must present:

(i) A certified copy of the member's certificate of release or discharge from active duty, department of defense form 214 (DD 214);

(ii) A valid DD form 2 (Retired) military identification card; or

(iii) A Tennessee driver license that indicates military service in accordance with § 55-50-354.

(3) An application pursuant to this section by a spouse or child of a member must be accompanied by documentation that:

(A) Is required from a member under subdivisions (d)(1) and (2); and

(B) Provides sufficient proof that the applicant is the spouse or child of a member, including:

(i) A valid DD form 1173 military dependent identification card;

(ii) A marriage certificate;

(iii) A birth certificate or certificate of adoption; or

(iv) Other documentation designated by the commissioner.

(e) A surviving spouse of a deceased retired or honorably discharged member or of a member who died while on active duty shall be issued a license plate pursuant to this section, until the surviving spouse remarries, upon:

(1) Complying with state motor vehicle laws relating to registration and licensing of motor vehicles;

(2) Paying the regular registration fee pursuant to this chapter and the fee prescribed by § 55-4-203(c);

(3) Providing documentation required under subdivision (d)(3); and

(4) Providing a copy of the death certificate of the deceased.

(f) An applicant shall be required to submit the documentation required by subsection (d) or (e) only when initially applying for license plates under this section. Subsequent license plates under this section shall be issued to that person without the repeated presentation of documentation.

SECTION 6. Tennessee Code Annotated, Section 55-4-320, is amended by adding a cross-reference to the section created by Section 3 immediately after the language "§ 55-4-244," wherever it appears.

SECTION 7. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Mountain Tough;

SECTION 8. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Mountain Tough new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section shall contain the logo or other appropriate design representative of the Mountain Tough Recovery Team. The plates shall be designed in consultation with Mountain Tough Recovery Team.

(c) The funds produced from the sale of Mountain Tough new specialty earmarked license plates shall be allocated to the Mountain Tough Recovery Team in accordance with § 55-4-215. The funds shall be used exclusively to help the residents of Sevier County who were affected by the wildfires in the Fall of 2016 with donations to repair the damage and destruction to their property and to provide related cleanup assistance.

SECTION 9. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Historic Maury;

SECTION 10. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Historic Maury new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section shall be of an appropriate design representative of historic Maury County and bear an

image of or a design depicting the Maury County Courthouse dome. The plates shall be designed in consultation with a representative of the Maury County Historic Society.

(c) The funds produced from the sale of Historic Maury new specialty earmarked license plates shall be allocated to the Maury County Historical Society in accordance with § 55-4-215. The funds shall be used exclusively to preserve Maury County history with donations to repair historic structures and to provide related services and activities.

SECTION 11. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Boone Lake Association;

SECTION 12. Tennessee Code Annotated, Title 55, Chapter 4, Part 3, is amended by adding the following as a new section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Boone Lake Association new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section shall contain the official logo or other design representative of Boone Lake Association. Such plates shall be designed in consultation with a representative of Boone Lake Association.

(c) The funds produced from the sale of Boone Lake Association new specialty earmarked license plates shall be allocated to the Boone Lake Association, in accordance with § 55-4-215. Such funds shall be used exclusively to support the organization's efforts to clean and maintain Boone Lake.

SECTION 13. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Suicide Prevention;

SECTION 14. Tennessee Code Annotated, Title 55, Chapter 4, Part 3, is amended by adding the following as a new section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Suicide Prevention new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section shall be of an appropriate design to promote suicide prevention and shall be designed in consultation with the Tennessee Suicide Prevention Network.

(c) The funds produced from the sale of Suicide Prevention new specialty earmarked license plates shall be allocated to the Mental Health Association of Middle Tennessee in accordance with § 55-4-215. Such funds shall be used exclusively to support the Tennessee Suicide Prevention Network and the organization's suicide prevention programs and activities in this state.

SECTION 15. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Domestic Violence and Sexual Assault Awareness;

SECTION 16. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Domestic Violence and Sexual Assault Awareness new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section shall be of an appropriate design representative of the Tennessee Coalition to End Domestic and Sexual Violence. The plates shall be designed in consultation with the Tennessee Coalition to End Domestic and Sexual Violence.

(c) In accordance with § 55-4-215, the funds produced from the sale of Domestic Violence and Sexual Assault Awareness new specialty earmarked license plates shall be allocated to the Tennessee Coalition to End Domestic and Sexual Violence, of which fifty-percent allocation, five percent (5%) shall be used by the coalition to defray administrative fees and the remaining forty-five percent (45%) shall be divided by the coalition equally between the sexual assault centers and domestic violence centers. The funds shall be used exclusively to promote awareness of domestic violence and sexual assault and to also provide additional funding assistance for the programs offered through the Tennessee Coalition to End Domestic and Sexual Violence.

SECTION 17. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Lung Cancer Awareness;

SECTION 18. Tennessee Code Annotated, Title 55, Chapter 4, Part 3, is amended by adding the following as a new section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Lung Cancer Awareness new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section shall be of an appropriate design to raise and promote lung cancer awareness and shall be designed in consultation with an authorized representative of the Huff Project.

(c) The funds produced from the sale of Lung Cancer Awareness new specialty earmarked license plates shall be allocated to the Huff Project in accordance with § 55-4-215. Such funds shall be used exclusively to support the organization's programs and activities in this state.

SECTION 19. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following new subdivision:

() Methodist Le Bonheur Healthcare;

SECTION 20. Tennessee Code Annotated, Title 55, Chapter 4, Part 3, is amended by adding the following as a new section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Methodist Le Bonheur Healthcare new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The purpose of this plate is to recognize and celebrate Methodist Healthcare's one hundred (100) years of serving patients and families in the Memphis community.

(c) The plates provided for in this section shall contain an appropriate logo or design representative of Methodist Le Bonheur Healthcare that depicts its century of innovations and dedication to the future of medicine. The new specialty plate provided for in this section shall be designed in consultation with the administration at Methodist Healthcare.

(d) In accordance with § 55-4-215, the funds produced from the sale of the Methodist Le Bonheur Healthcare new specialty earmarked license plates shall be allocated to Methodist Le Bonheur Healthcare, to be used to support its community health initiatives in this state.

SECTION 21. Tennessee Code Annotated, Section 55-4-202(c)(5), is amended by adding the following as a new subdivision:

() Cumberland University;

SECTION 22. Tennessee Code Annotated, Title 55, Chapter 4, Part 3, is amended by adding the following as a new section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles, and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Cumberland University collegiate license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The collegiate plates provided for in this section shall be of the colors and contain the logo of Cumberland University.

SECTION 23. Tennessee Code Annotated, Section 55-4-202(c)(5)(E), is amended by adding the following as a new, appropriately designated subdivision:

() Paratrooper;

SECTION 24. Tennessee Code Annotated, Section 55-4-203(c)(1), is amended by adding the following as a new, appropriately designated subdivision:

() Paratrooper;

SECTION 25. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, who is an active member or retired or honorably discharged veteran of the United States armed forces, and who, as part of the member or veteran's military duty, has been trained to jump from flying aircraft, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and upon paying the regular fee applicable to the vehicle and the fee prescribed by § 55-4-203(c), shall be issued a paratrooper license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The application for such plate shall be accompanied by the following:

(1)(A) A valid military identification card or such other document as the commissioner designates as sufficient proof that the applicant is an active member of the United States armed forces; or

(B)(i) A certified copy of the veteran's certificate of release or discharge from active duty, department of defense form 214 (DD 214), honorable discharge certificate, department of defense form 256 (DD 256), or report of separation and record of service, NGB form 22, that indicates an honorable discharge characterization;

(ii) A valid DD form 2 (Retired) military identification card; or

(iii) A Tennessee driver license that indicates military service in accordance with § 55-50-354; and

(2) Documentation of satisfactory completion of the prescribed proficiency tests while assigned or attached to a military airborne unit or the airborne department of the United States army infantry school, to include:

(A) Military orders awarding the parachutist badge authorized by the United States army to the member or veteran;

(B) The veteran's certificate of release or discharge from active duty, department of defense form 214 (DD 214), or report of separation and record of service, NGB form 22, indicating the awarding of the parachutist badge; or

(C) The airborne course diploma issued to the member or veteran by the United States army infantry school.

(c)(1) The design of such license plates that are issued pursuant to this section shall be colored red, white, and blue so as to be similar in hue and intensity to the coloration of the United States flag and shall bear the legend, "U.S. PARATROOPER."

(2) The license plates provided for in this section shall feature a likeness of the parachutist badge authorized by the United States army.

SECTION 26. Tennessee Code Annotated, Section 55-4-245, is amended by deleting the language "Tennessee Fraternal Order of Police" wherever it appears and substituting instead the language "Fraternal Order of Police".

SECTION 27. Tennessee Code Annotated, Section 55-4-245(b)(1), is amended by adding the language "a copy of an active membership card or" immediately after the language "shall be accompanied by".

SECTION 28. Tennessee Code Annotated, Section 55-4-245, is amended by deleting subsection (f) and substituting instead the following:

(f) Funds produced from the sale of Fraternal Order of Police specialty earmarked license plates shall be allocated to the Tennessee Fraternal Order of Police Charitable Foundation in accordance with § 55-4-215.

SECTION 29. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() I Stand with Israel;

SECTION 30. Tennessee Code Annotated, Title 55, Chapter 4, Part 3, is amended by adding the following as a new section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued an I Stand with Israel new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section shall be of an appropriate design and shall be designed in consultation with an authorized representative of the Tennessee Holocaust Commission.

(c) The funds produced from the sale of I Stand with Israel new specialty earmarked license plates shall be allocated to the Tennessee Holocaust Commission in accordance with § 55-4-215. Such funds shall be used exclusively to support the organization's programs and activities in this state.

SECTION 31. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() University of South Carolina;

SECTION 32. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a University of South Carolina new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section shall bear the official colors and logo of the University of South Carolina.

(c) In accordance with § 55-4-215, the funds produced from the sale of University of South Carolina new specialty earmarked license plates shall be allocated to the Shady Valley Watershed District, which is a nonprofit corporation pursuant to § 69-6-104(a)(5). The funds shall be used exclusively to maintain the drainage ditches and to make other repairs to control the water level of the Beaver Dam Creek in the Shady Valley community of Johnson County, Tennessee.

SECTION 33. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Kiwanis International;

SECTION 34. Tennessee Code Annotated, Title 55, Chapter 4, Part 3, is amended by adding the following as a new section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Kiwanis International new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section shall contain the logo or other appropriate design representative of Kiwanis International. Such plates shall be designed in consultation with a Tennessee representative of Kiwanis International.

(c) The funds produced from the sale of Kiwanis International new specialty earmarked license plates shall be allocated to Children's Miracle Network in accordance with § 55-4-215. Such funds shall be used exclusively to fund child life departments of Children's Miracle Network Hospitals in this state.

SECTION 35. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() TN Back the Blue;

SECTION 36. Tennessee Code Annotated, Title 55, Chapter 4, Part 3, is amended by adding the following as a new section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a TN Back the Blue new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section shall contain the logo or other appropriate design representative of the Concerns of Police Survivors and shall include the language "Back the Blue". Such plates shall be designed in consultation with a Tennessee representative of the Concerns of Police Survivors.

(c) The funds produced from the sale of TN Back the Blue new specialty earmarked license plates shall be allocated to the Tennessee chapters of Concerns of Police Survivors in accordance with § 55-4-215. The funds shall be used to support the survivors, including spouses, parents, siblings, significant others, and affected co-workers, of state and local law enforcement officers in Tennessee killed in the line of duty through survivor benefits, counseling programs, scholarship programs, and other related programs and activities in this state that provide resources for survivors from Tennessee.

SECTION 37. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Down Syndrome Awareness;

SECTION 38. Tennessee Code Annotated, Title 55, Chapter 4, Part 3, is amended by adding the following as a new section:

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Down Syndrome Awareness new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked license plates provided for in this section shall contain the logo or other appropriate design representative of the Down Syndrome Association of Middle Tennessee. The plates shall be designed in consultation with the Down Syndrome Association of Middle Tennessee.

(c) In accordance with § 55-4-215, the funds produced from the sale of the new specialty earmarked license plates shall be allocated to the Down Syndrome Association of Middle Tennessee. The funds shall be used solely to provide education, advocacy, and support resources for individuals with Down Syndrome and their families.

SECTION 39. Tennessee Code Annotated, Section 55-4-253(c), is amended by adding the following as a new, appropriately designated subdivision:

() For honorably discharged veterans who served during the period between the announcement of the Truman Doctrine on March 12, 1947, and the collapse of the Soviet Union on December 26, 1991, with this period being known as the Cold War, the American flag shall be in the center of the license plate and the strip along the bottom of the license plate shall read "Cold War Era Veteran." Nothing in this subdivision (c)() prohibits any veteran who served during this period from requesting issuance of the honorably discharged veteran plate that is authorized by subsection (a) or any other plate authorized by this subsection (c) for which the veteran qualifies.

SECTION 40. Tennessee Code Annotated, Section 55-4-237(c), is amended by deleting the subsection and substituting instead the following:

(c) Disabled veteran registration plates shall bear:

- (1) The words "Disabled Veteran";
- (2) A registration number composed of the prefix "DV" and a unique identifying number; and
- (3) A representation of the United States flag in the background.

SECTION 41. The redesign of the Disabled Veteran license plates provided for in Section 40 of this act shall only be effectuated upon the existing inventory of the plates being utilized by the department of revenue.

SECTION 42. Tennessee Code Annotated, Section 55-4-331(d), is amended by deleting the language "July 1, 2018" and substituting instead the language "July 1, 2019".

SECTION 43. Tennessee Code Annotated, Section 55-4-313(f), is amended by deleting the subsection and substituting instead the following:

(f) Notwithstanding § 55-4-201(h)(1), the Niswonger Children's Hospital new specialty earmarked license plate authorized pursuant to this section shall have until July 1, 2019, to meet the applicable minimum issuance requirements of § 55-4-201(h)(1).

SECTION 44. Tennessee Code Annotated, Section 55-4-311, is amended by adding the following new subsection:

(d) Notwithstanding § 55-4-201(h)(1), the Martin Luther King, Jr. new specialty earmarked license plate authorized pursuant to this section shall have until July 1, 2019, to meet the applicable minimum issuance requirements of § 55-4-201(h)(1).

SECTION 45. Tennessee Code Annotated, Section 55-4-230, is amended by adding the following as a new subsection:

() Notwithstanding § 55-4-201(h)(1), the Save the Bees new specialty earmarked license plate authorized pursuant to this section shall have until July 1, 2019, to meet the applicable minimum issuance requirements of § 55-4-201(h)(1).

SECTION 46. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

SECTION 47. This act shall take effect July 1, 2018, the public welfare requiring it.

On motion, Amendment No. 4 was adopted.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 5

AMEND by inserting the following new section immediately preceding the penultimate section and renumbering the subsequent sections accordingly:

SECTION _____. Tennessee Code Annotated, Section 55-4-297, is amended by deleting the language "Harpeth River Watershed Association" wherever it appears and substituting instead the language "Harpeth Conservancy".

On motion, Amendment No. 5 was adopted.

Senator Watson moved to amend as follows:

AMENDMENT NO. 6

AMEND by inserting the following new section immediately preceding the penultimate section and renumbering the subsequent sections accordingly:

SECTION _____. Tennessee Code Annotated, Section 55-4-323, is amended by adding the following as a new subsection:

(d) Notwithstanding § 55-4-201(h)(1), the Mothers Against Drunk Driving (MADD) new specialty earmarked license plate authorized pursuant to this section shall have until July 1, 2019, to meet the applicable minimum issuance requirements of § 55-4-201(h)(1).

On motion, Amendment No. 6 was adopted.

Senator Watson moved to amend as follows:

AMENDMENT NO. 7

AMEND by inserting the following new sections immediately preceding the penultimate section and renumbering the subsequent sections accordingly:

SECTION _____. Tennessee Code Annotated, Section 55-4-201(g), is amended by deleting the language "Subdivision (b)(3) and subsections (c), (d), (e), and (h) shall not apply" and substituting instead the language "Subdivision (b)(3) and subsections (c), (d), (e), (h), and (l) shall not apply".

THURSDAY, APRIL 19, 2018 -- 74TH LEGISLATIVE DAY

SECTION __. The Tennessee Code Commission is directed to redesignate all sections of Tennessee Code Annotated, Title 55, Chapter 4, Parts 2 and 3, as follows:

Present Designation	New Designation
55-4-201	55-4-202
55-4-202	55-4-203
55-4-203	55-4-204
55-4-204	55-4-205
55-4-205	55-4-206
55-4-206	55-4-207
55-4-207	55-4-208
55-4-208	55-4-211
55-4-209	55-4-201
55-4-210	55-4-210
55-4-211	55-4-214
55-4-212	55-4-241
55-4-213	55-4-213
55-4-214	55-4-215
55-4-215	55-4-301
55-4-216	55-4-216
55-4-217	55-4-290
55-4-218	55-4-217
55-4-219	55-4-218
55-4-220	55-4-212
55-4-221	55-4-226
55-4-222	55-4-223
55-4-223	55-4-219
55-4-224	55-4-209
55-4-225	55-4-220
55-4-226	55-4-221
55-4-227	55-4-222
55-4-228	55-4-255
55-4-229	55-4-225
55-4-230	55-4-318
55-4-231	55-4-260
55-4-232	55-4-227
55-4-233	55-4-258
55-4-234	55-4-349
55-4-235	55-4-261
55-4-236	55-4-259
55-4-237	55-4-256
55-4-238	55-4-262

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55-4-239	55-4-257
55-4-240	55-4-250
55-4-241	55-4-224
55-4-242	55-4-254
55-4-243	55-4-263
55-4-244	55-4-252
55-4-245	55-4-326
55-4-246	55-4-331
55-4-247	55-4-242
55-4-248	55-4-329
55-4-249	55-4-292
55-4-250	55-4-243
55-4-251	55-4-244
55-4-252	55-4-297
55-4-253	55-4-253
55-4-255	55-4-303
55-4-256	55-4-245
55-4-257	55-4-322
55-4-258	55-4-230
55-4-259	55-4-316
55-4-260	55-4-327
55-4-261	55-4-294
55-4-262	55-4-295
55-4-263	55-4-293
55-4-264	55-4-240
55-4-265	55-4-299
55-4-266	55-4-304
55-4-267	55-4-298
55-4-268	55-4-357
55-4-269	55-4-302
55-4-270	55-4-269
55-4-271	55-4-296
55-4-272	55-4-270
55-4-273	55-4-291
55-4-274	55-4-315
55-4-275	55-4-334
55-4-276	55-4-312
55-4-277	55-4-309
55-4-278	55-4-271
55-4-279	55-4-311
55-4-280	55-4-308

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55-4-281	55-4-307
55-4-282	55-4-320
55-4-283	55-4-362
55-4-284	55-4-366
55-4-285	55-4-341
55-4-286	55-4-351
55-4-287	55-4-342
55-4-288	55-4-264
55-4-289	55-4-328
55-4-290	55-4-317
55-4-291	55-4-335
55-4-292	55-4-267
55-4-293	55-4-321
55-4-294	55-4-330
55-4-295	55-4-338
55-4-296	55-4-305
55-4-297	55-4-314
55-4-298	55-4-348
55-4-299	55-4-339
55-4-302	55-4-347
55-4-306	55-4-350
55-4-308	55-4-352
55-4-309	55-4-306
55-4-310	55-4-365
55-4-311	55-4-363
55-4-312	55-4-336
55-4-313	55-4-345
55-4-315	55-4-355
55-4-316	55-4-251
55-4-317	55-4-346
55-4-318	55-4-359
55-4-319	55-4-310
55-4-320	55-4-266
55-4-321	55-4-353
55-4-322	55-4-333
55-4-323	55-4-360
55-4-324	55-4-324
55-4-325	55-4-231
55-4-326	55-4-361
55-4-327	55-4-323
55-4-328	55-4-356

55-4-329	55-4-268
55-4-330	55-4-265
55-4-331	55-4-340
55-4-332	55-4-332
55-4-336	55-4-313
55-4-342	55-4-364
55-4-343	55-4-228
55-4-344	55-4-344
55-4-345	55-4-358
55-4-346	55-4-229
55-4-347	55-4-337
55-4-360	55-4-343
55-4-365	55-4-354
55-4-367	55-4-325

SECTION __. The Tennessee Code Commission is directed to designate the following sections of Tennessee Code Annotated, Title 55, Chapter 4, Parts 2 and 3, as "reserved":

- (1) Sections 55-4-232 - 55-4-239;
- (2) Sections 55-4-246 - 55-4-249; and
- (3) Sections 55-4-272 - 55-4-289.

SECTION __. The Tennessee Code Commission is directed to change all references in Tennessee Code Annotated, Title 55, Chapter 4, Parts 2 and 3, to reflect changes made by Sections 3 and 4 of this Act.

SECTION __. The Tennessee Code Commission is directed to change the following references in Tennessee Code Annotated, Title 55:

- (1) "55-4-202" in Tennessee Code Annotated, Section 55-21-103, to "55-4-203";
- (2) "55-4-207" in Tennessee Code Annotated, Section 55-6-102, to "55-4-208";
- (3) "55-4-221" in Tennessee Code Annotated, Sections 55-3-121, 55-4-110, 55-4-117, 55-4-119, 55-17-125, and 55-17-417, to "55-4-226"; and
- (4) "55-4-237" in Tennessee Code Annotated, Sections 55-8-160, 55-21-103, 55-21-104, and 55-21-106, to "55-4-256".

SECTION __. The Tennessee Code Commission is directed to change the reference "55-4-215" in Tennessee Code Annotated, Section 4-20-301, to "55-4-301".

On motion, Amendment No. 7 was adopted.

THURSDAY, APRIL 19, 2018 -- 74TH LEGISLATIVE DAY

Thereupon, **Senate Bill No. 2693**, as amended, passed its third and final consideration by the following vote:

Ayes 25
Noes 0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Norris, Pody, Roberts, Southerland, Stevens, Swann, Watson, Yager and Mr. Speaker McNally--25.

A motion to reconsider was tabled.

Madam Speaker Pro Tempore Bowling moved that **Senate Bill No. 2711** be placed on the Calendar for Monday, April 23, 2018, which motion prevailed.

Madam Speaker Pro Tempore Bowling moved that **Senate Bill No. 2715** be rereferred to the Committee on Calendar, which motion prevailed.

Madam Speaker Pro Tempore Bowling moved that **House Joint Resolution No. 741** be placed on the Calendar for Monday, April 23, 2018, which motion prevailed.

NOTICES

MESSAGE FROM THE HOUSE

April 19, 2018

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2362, substituted for House Bill on same subject, amended, and passed by the House.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

April 19, 2018

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1529, substituted for House Bill on same subject, amended, and passed by the House.

TAMMY LETZLER,
Chief Clerk

Senator Yarbrow advised pursuant to Rule 63 of his intentions to recall **Senate Joint Resolution No. 466** from the Health and Welfare Committee, for consideration by the Senate.

MOTION

Senator Norris moved the Proposed Schedule for the week of April 23, 2018, be adopted and made the action of the Senate, which motion prevailed.

THURSDAY, APRIL 19, 2018 -- 74TH LEGISLATIVE DAY

**TENNESSEE STATE SENATE
110th GENERAL ASSEMBLY**

**PROPOSED SCHEDULE
FOR THE WEEK OF APRIL 23, 2018**

MONDAY – April 23

1:00 p.m. Finance, Ways & Means Committee
3:00 p.m. Session – Senate Chamber

TUESDAY – April 24

8:30 a.m. Session – Senate Chamber

SPEAKER RESUMES CHAIR

Mr. Speaker McNally resumed the Chair.

NOTICES

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 1981/SENATE BILL NO. 1623**

The report was received and filed with the Clerk.

MESSAGE FROM THE HOUSE

April 19, 2018

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1981. The House adopted the Conference Committee Report and made it the action of the House.

TAMMY LETZLER,
Chief Clerk

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 1981/SENATE BILL NO. 1623**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 1981 (Senate Bill No. 1623) has met and recommends that all amendments be deleted.

The Committee further recommends that the following amendment be adopted:

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-6001(b), is amended by adding the following language as a new subdivision (2) and renumbering current subdivision (2) as subdivision (3):

(2)(A) If an assessment required under subdivision (b)(1) is misadministered by fault of the assessment provider, as determined by the department of education, then the assessment provider must respond as follows:

(i) An incident report on the misadministration must be provided to the department of education and the LEA or LEAs in which the misadministration occurred. The incident report shall provide remediation plans that will result in reportable scores, if possible;

(ii) The assessment provider shall reimburse the LEA or LEAs in which the misadministration occurred for any exam that does not result in a reportable score for the student; and

(iii) The assessment provider shall provide an opportunity for any student impacted by the misadministration to take the assessment again at no charge.

(B) Failure to respond as required in subdivision (b)(2)(A) shall result in the state not continuing to use the assessment and shall be considered a breach of contract by the assessment provider.

SECTION 2. Tennessee Code Annotated, Section 49-1-617, is amended by adding the following language as a new subsection:

() Notwithstanding subsection (a), each local board of education may choose the percentage within the range of zero percent (0%) to fifteen percent (15%) that scores from the TNReady assessments administered in the 2017-2018 school year shall count on a student's final grade for the spring semester.

SECTION 3. Tennessee Code Annotated, Section 49-1-228, is amended by adding the following as a new subsection:

() Notwithstanding subsection (a), student performance and student growth data from the TNReady assessments administered in the 2017-2018 school year shall not be used to assign a letter grade to a school pursuant to this section.

SECTION 4. Tennessee Code Annotated, Section 49-1-602(a), is amended by adding the following language as a new subdivision (4):

() Notwithstanding any provision of this part to the contrary, student performance and student growth data from the TNReady assessments administered in the 2017-2018 school year shall not be used to identify a school as a priority school or to assign a school to the achievement school district.

SECTION 5. For the 2017-2018 school year, LEAs shall not base employment termination and compensation decisions for teachers on data generated by statewide assessments administered in the 2017-2018 school year.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

/s/ Senator Dolores Gresham
/s/ Senator Brian Kelsey
/s/ Senator Mike Bell
/s/ Senator Jeff Yarbrow

/s/ Representative Eddie Smith
/s/ Representative Harry Brooks
/s/ Representative Gary Hicks
/s/ Representative Craig Fitzhugh

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Senator Gresham moved that the Conference Committee Report on **House Bill No. 1981/Senate Bill No. 1623** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes 24
Noes 1

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Gresham, Haile, Harper, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Norris, Pody, Roberts, Southerland, Stevens, Swann, Yarbrow and Mr. Speaker McNally--24.

Senator voting no was: Gardenhire--1.

A motion to reconsider was tabled.

MOTION

On motion of Senator Gardenhire, his name was added as sponsor of **Senate Bill No. 1601; Senate Joint Resolution No. 948; and House Joint Resolution No. 1184.**

On motion of Senators Bowling, Massey and Pody, their names were added as sponsors of **Senate Bill No. 1623.**

On motion of Senators Gardenhire, Gresham and Haile, their names were added as sponsors of **Senate Bill No. 1651.**

On motion of Senator Gresham, her name was added as sponsor of **Senate Bill No. 1709; and House Joint Resolutions Nos. 1209 and 1213.**

On motion of Senators Bowling and Pody, their names were added as sponsors of **Senate Bill No. 1728.**

On motion of Senators Dickerson, Haile, Hensley, Pody, Tate and Yarbrow, their names were added as sponsors of **Senate Bill No. 1797.**

On motion of Senator Bell, his name was added as sponsor of **Senate Bill No. 1817.**

On motion of Senators Bailey and Bowling, their names were added as sponsors of **Senate Bill No. 1823.**

On motion of Senator Bowling, her name was added as sponsor of **Senate Bills Nos. 1835 and 2227; and House Joint Resolution No. 37.**

On motion of Senators Bowling, Crowe and Niceley, their names were added as sponsors of **Senate Bill No. 1868.**

On motion of Senator Massey and Mr. Speaker McNally, their names were added as sponsors of **Senate Bill No. 1882.**

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On motion of Senator Pody, his name was added as sponsor of **Senate Bills Nos. 1893, 2024 and 2204; and House Joint Resolutions Nos. 1180, 1181, 1182, 1183, 1190, 1214 and 1215.**

On motion of Senators Pody and Yarbrow, their names were added as sponsors of **Senate Bill No. 1919.**

On motion of Senator Harper, her name was added as sponsor of **Senate Bill No. 2005.**

On motion of Senator Briggs, his name was added as sponsor of **Senate Bill No. 2026.**

On motion of Senator Kelsey, his name was added as sponsor of **Senate Bill No. 2076.**

On motion of Senator Yarbrow, his name was added as sponsor of **Senate Bill No. 2165; and House Joint Resolution No. 1194.**

On motion of Senators Bowling, Briggs and Yarbrow, their names were added as sponsors of **Senate Bill No. 2166.**

On motion of Senator Niceley, his name was removed as sponsor of **Senate Bill No. 2231.**

On motion of Senators Jackson and Stevens, their names were added as sponsors of **Senate Bill No. 2261.**

On motion of Senators Bailey, Bowling and Briggs, their names were added as sponsors of **Senate Bill No. 2362.**

On motion of Senator Haile, his name was added as sponsor of **Senate Bill No. 2393.**

On motion of Senator Stevens, his name was added as sponsor of **Senate Bills Nos. 2603 and 2609.**

On motion of Senator Kyle, her name was added as sponsor of **Senate Joint Resolutions Nos. 940 and 945.**

On motion of Senator Watson, his name was added as sponsor of **Senate Joint Resolutions Nos. 947 and 954.**

On motion of Senators Haile and Yarbrow, their names were added as sponsors of **Senate Joint Resolution No. 951.**

On motion of Senator Hensley, his name was added as sponsor of **House Joint Resolutions Nos. 1080, 1194, 1195, 1196, 1197, 1198, 1200, 1201, 1202, 1203, 1204, 1205 and 1206.**

On motion of Senator Norris, his name was added as sponsor of **House Joint Resolution No. 1186.**

On motion of Senator Roberts, his name was added as sponsor of **House Joint Resolutions Nos. 1187 and 1188.**

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On motion of Senator Massey, her name was added as sponsor of **House Joint Resolution No. 1192.**

On motion of Senator Southerland, his name was added as sponsor of **House Joint Resolution No. 1207.**

On motion of Senators Harper and Yarbrow, their names were added as sponsors of **House Joint Resolution No. 1217.**

ENGROSSED BILLS

April 19, 2018

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined: Senate Bill No. 824, and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk

ENGROSSED BILLS

April 19, 2018

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined: Senate Bill No. 1882, and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk

ENGROSSED BILLS

April 19, 2018

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined: Senate Bills Nos. 1993, 2076, 2571 and 2693; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk

ENGROSSED BILLS

April 19, 2018

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined: Senate Bill No. 2362, and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk

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ENGROSSED BILLS

April 19, 2018

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined: Senate Joint Resolution No. 967, and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk

ENGROSSED BILLS

April 20, 2018

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined: Senate Bills Nos. 1583, 1797, 2014, 2165 and 2201; and Senate Joint Resolutions Nos. 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956 and 957; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk

MESSAGE FROM THE HOUSE

April 19, 2018

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2381, passed by the House.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

April 19, 2018

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 1083, 1084, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279 and 1280; adopted, for the Senate's action.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

April 19, 2018

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 1210, adopted, for the Senate's action.

TAMMY LETZLER,
Chief Clerk

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MESSAGE FROM THE HOUSE

April 19, 2018

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 105, 2011, 2015, 2012, 2295 and 2628; substituted for House Bills on same subjects and passed by the House.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

April 19, 2018

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1560. The House lifted the tabling motion, reconsidered Senate Bill No. 1560, reconsidered and withdrew House Amendment No. 1, and repassed Senate Bill No. 1560 on third and final consideration.

TAMMY LETZLER,
Chief Clerk

ENROLLED BILLS

April 20, 2018

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bills Nos. 270, 1640, 1758, 1866, 1875, 2067, 2081, 2312, 2331, 2696 and 2706; and Senate Joint Resolutions Nos. 859, 862, 863, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928 and 929; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,
Deputy Chief Clerk

ENROLLED BILLS

April 20, 2018

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Joint Resolution No. 826, and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,
Deputy Chief Clerk

ENROLLED BILLS

April 20, 2018

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 927, 928 and 929; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,
Deputy Chief Clerk

SIGNED

April 19, 2018

The Speaker announced that he had signed the following: Senate Bills Nos. 900, 1732, 1765, 1781, 1808, 1852, 1941, 1971, 2043, 2048, 2133, 2159 and 2314; and House Bills Nos. 1534, 1687, 1923, 2695, 2702, 2708, 2711, 2713, 2714, 2716, 2719 and 2720.

SIGNED

April 19, 2018

The Speaker announced that he had signed the following: Senate Bill No. 2236.

SIGNED

April 20, 2018

The Speaker announced that he had signed the following: Senate Joint Resolution No. 826.

SIGNED

April 20, 2018

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 859, 862, 863, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928 and 929.

MESSAGE FROM THE HOUSE

April 19, 2018

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 900, 1732, 1765, 1781, 1808, 1852, 1941, 1971, 2043, 2048, 2133, 2159, 2236 and 2314; signed by the Speaker.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

April 20, 2018

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 826, signed by the Speaker.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

April 20, 2018

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 859, 862, 863, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925 and 926; signed by the Speaker.

TAMMY LETZLER,
Chief Clerk

THURSDAY, APRIL 19, 2018 -- 74TH LEGISLATIVE DAY

REPORT OF DEPUTY CHIEF CLERK

April 20, 2018

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 826, 859, 862, 863, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925 and 926; for his action.

ALAN WHITTINGTON,
Deputy Chief Clerk

REPORT OF DEPUTY CHIEF CLERK

April 20, 2018

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 927, 928 and 929; for his action.

ALAN WHITTINGTON,
Deputy Chief Clerk

MESSAGE FROM THE GOVERNOR

April 20, 2018

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 1885, 1896, 1907, 1922, 2075, 2245, 2247, 2294, 2343, 2443, 2465, 2501, 2634, 2707 and 2719; with his approval.

DWIGHT E. TARWATER,
Counsel to the Governor

ADJOURNMENT

Senator Norris moved the Senate adjourn until 3:00 p.m., Monday, April 23, 2018, which motion prevailed.